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A Distinguished Family of Fatimide Cadis (al-Nu'mān) in the Tenth Century.—By RICHARD GOTTHEIL, Professor in Columbia University, New York City.

I. INTRODUCTION.

IN the whole of Mohammedan history there are few epochs quite as interesting as that during which the Shī'a propaganda manifested itself politically in Egypt, maintaining there for more than 200 years a kingdom which was a center of commercial and literary activity. The religious side of this propaganda was kept alive by the usual Alid tergiversations, and from out of this upbuilding came much of the turmoil in which Druse and Ismailian pretensions were hatched.

It seems to have been a somewhat simple matter for the people of Egypt to pass from one system to another. They were willing to take their religion as it was given to them, and at no time do they seem to have thought with Goethe :

“ Was du ererbt von deinen Vätern hast,
Erwirb es, um es zu besitzen.”

In spite of the large Coptic element in the population,¹ it had not been too difficult a task to impress the faith of the prophet upon the land of the Pharaohs. Egypt is the classic home of the corvée ; and, whether used by an old Pharaoh in dragging his statue to the place of its permanent situation, or by 'Amr ibn

¹ This has been excellently set forth in Butler's *Arabic Conquest of Egypt*, Oxford, 1902.

al-‘Āsī in re-cutting the canal that once joined lower Egypt to the Red Sea, or by Ismail Pasha in helping the French to build a Suez Canal, it shows a more than ordinary apathy on the part of the inhabitants, and a singular willingness to acquiesce quietly in the stings and goads of fortune. In the same manner, it does not seem to have been too difficult for them to pass from the Sunnite faith to the Shī‘ite (if faith it may be called), when Jauhar al-Ḳā‘id conquered the country in 969 for his master al-Mu‘izz; and they were as ready to fall back again upon the Sunna when the Kurd Saladin, in September, 1171, caused the Khuṭbah to be pronounced in the name of the Abbāsīd caliph, al-Mustaḍī.

One reason for the ease with which these changes were effected must be found in the small difference it made to the people at large whether in the official utterances Ali was blessed or cursed. That was food for the theologians and a tid-bit for the jurists. The lower classes had to live their every-day and humdrum life as they had done in the past; and the differences between Sunnite and Shī‘ite actual practice seems to have been small—to us they appear infinitesimal.¹ The geographical writer al-Muḳaddasī has an interesting passage on the observances peculiar to the Fatimides.² He says: “There are three classes of Fatimide peculiarities. The first is one in which the (orthodox) Imams were also divided, as the long inserted or supererogatory prayer³ at the morning devotions and the audible recitation of

¹ This is due to the fact that the Shī‘a system was developed at a time when the other and canonical legal systems were already in existence. Both the Sunna and the Shī‘a, as regards their religious practices, are built up from one and the same basis. See Von Kremer, *Culturge-schichte*, vol. i, p. 501; id. *Herrschende Ideen*, p. 389.

² In de Goeje, *Bibliotheca Geographorum Arabicorum*, vol. iii, p. 237. 16. On the **مذهب اهل البيت** see Ibn Khaldūn, *Muḳāddamāt* (ed. Beirut, 1886), p. 390. A list of works on Shī‘a Fīḫ is given by al-Nadīm, *Fihrist*, p. 219. On some other and equally minor points of difference, see the end of the poem by Dā‘ūd ibn ‘Umar al Baṣīr al-Anṭākī in his **كتاب تزيين الاسواق** published by Goldziher, *Beiträge zur Literaturgeschichte der Šī‘a in Sitz. Ber. der Wiener Akad.*, vol. lxxviii, p. 520, and compare Tornauw, *Le Droit Musulman*, Paris, 1860, p. 24.

³ De Sacy (*Chrestomathie Arabe*, vol. i, p. 162), says that the **قنوت** is the prayer containing the formula **اَنَا لَكَ قَانَتُونَ**; but see the tradition

the basmallāh,¹ the *witr*² which goes with the rak'a, and the like. Their second peculiarity is to return to some of the observances of former generations, as the double repetition of the

cited in Lane, col. 2566 **افضل الصلوات طول القنوت**, and al-Bukhārī, *Ṣaḥīḥ*, ed. Krehl, vol. i, p. 204, s.v. **باب القنوت**; al-Shirāzi, *al-Tanbīh*, (ed. A. W. T. Juynboll, Leiden, 1879), p. 24. 21; al-Sha'rānī, *Kashf al-Ghumma*, Cairo, 1281, vol. i, p. 85. It is evident that the **قنوت** is a sort of supererogatory prayer (the Mohammadans call such **يقنوت بعد الرفع من الركوع**) inserted between the rak'as (**نوافل**).

The silent prayer between the rak'as is called **دعاء** (Goldziher, *Muhammedanische Studien*, vol. ii, p. 252). A. Querry, *Droit Musulman*, vol. i, p. 81, calls it "le recueillement," while Tornauw (*l. c.*, p. 57) explains it thus: "le Kenut, qui consiste à élever les bras après l'accomplissement des pratiques mükerrerrot et à répéter des interjections fervantes. Le Kenut n'est point obligatoire." See, also, Hughes, *Dictionary of Islām*, pp. 101. 1; 482. 2. Curiously enough, Muḥammad ibn Aḥmad al-Khuwārazmī in his *Mafātīḥ al-'Ulūm* (ed. Van Vloten, 1895), p. 11, says **! القنوت دعاء الوتر**

¹ See the traditions on this point in al-Bukhārī, vol. i, pp. 197, 198, 201, and al-Nawāwī, as cited by Goldziher, *Beiträge*, pp. 457, 522, and in Ibn Sa'd, vol. v. (Leiden, 1905) p. 266 (when Mohammed recited the first Sura he was not heard to add the basmallah. Asked about this, he answered: **لو اسررتها لجهرت بها**). Until the year 253 A. H. the basmallah was recited aloud in Fustāt; then a change was made; but al-Jauhar reintroduced the older practice in 362 A. H.; see de Sacy, *l. c.*, vol. i, p. 162. The Shāfi'ite practice was in this respect, as in so many others, in consonance with that of the Shī'a. See the quotation from Abu-l-Fidā on p. 220, n. 3; and Abū al Naḳīb al-Tunturī **مختصر الحاقى**

(Kazan, 1899), p. 81. Al-Zamakhsharī (*al-Kashshāf*, ed. Lees, vol. i, p. 5), has an interesting note upon the different usage in this respect. According to him, the difference depended upon the question whether the basmallah was or was not an integral part of the Sura; the "readers" (**قراء**) of Medina, Baṣra and Damascus held that it was not, and therefore did not read it aloud when it occurred in a prayer (**ولذلك لا يجهر**); but those of Mecca and Kufa did. See, also, al-Baiḍāwī, vol. i, p. 3.

² The **وتر** is a prayer accompanied by an uneven number of rak'as—from one up to eleven. See al-Shirāzi, *al-Tanbīh*, p. 27. 5.

ikāma which the Banū Umayya had reduced to one ;¹ the wearing of white, which the Banū al-‘Abbās had changed to black.² The third peculiarity is to follow such customs as the Imāms had indeed not prohibited, though they had not been known before this time : e. g., to use the expression **حيّ على الصلوة** “Come to prayer !” in the adhān ;³ to celebrate that day as the first of the month on which the new moon is sighted ;⁴ and to accompany the prayer said at an eclipse with five rak‘as and two sujūds to every rak‘a.”⁵

The religious and juridic rite originally followed by the Mohammedans in Egypt had been that of Mālik ibn Anas ;

¹ The **اقامة** is the call to prayer which immediately follows the **اذان**. See Dozy, vol. ii, p. 424 ; Tornauw, *Le Droit Musulman*, p. 57 : “Après le azon on prononce l’ekomeh. Ce sont les mêmes paroles: Allah Akber—seulement dans l’ekomeh on ne jette l’exclamation que deux fois, tandis qu’on la repète quatre fois dans l’azon.” A. Querry, *Droit Musulman*, vol. i, p. 66.

² See the material upon the various colors affected by different Muhammadan parties which I have collected in ZA., vol. xiii, p. 194, note 1, and vol. xiv, p. 223, note 7. The change to white dress was immediately introduced upon al-Jauhar’s gaining possession of the mosque of ‘Amr (**الجامع العتيق**) in Fostāt. See Stanley Lane-Poole, *History of Egypt*, p. 103 and the following note.

³ According to Abu-l-Fidā the expression was **حيّ على خير العمل** ; He says (vol. ii, p. 498) **وفي جمادى الاولى من سنة تسع وخمسين** **وثلاثمائة قدم جوهر الى جامع ابن طولون وامر باذن فيه بحقّ على خير العمل. ثم اذن بعده في الجامع العتيق بذلك** **فجهر في الصلوة ببسم الله الرحمن الرحيم**. The same account is found in *Ibn Sa‘d*, ed. Tallqvist, p. 77. See, also, JA. 1836, 3, p. 57, *Ibn Khallikān*, vol. i, p. 344, and *Ibn Khaldūn*, *Kitāb al‘Ibar*, vol. iv, p. 3A : and especially al-Maḳrīzī, *Khīṭaṭ*, vol. ii, pp. 340, 342, and the full account, *ib.* p. 269.

⁴ See de Sacy, *Chrestomathie Arabe*, vol. i, p. 161.

⁵ On the Sunnite practice, see al-Bukhārī, l. c., vol. i, pp. 373 and 142, and Muhammad ibn ‘Alī Ṣiddīq Ḥasan **فتح العلام لشرح بلوغ المرام**, vol. i, p. 231. On the different customs, see al-Sha‘rānī, *Kitāb al-Mizān*, vol. i, p. 173.

but when in 813 Muḥammad al-Shāfi'ī came to settle definitely in Fostāt, his legal doctrines commenced to gain prevalence¹ and they remained prevalent until in the 16th century the Turks introduced the Hanafite system.² Upon the arrival of al-Mu'izz, it was natural that this should be changed. But the Fatimides seem to have been rather large-minded in this respect, if 'not in others.³ They were sufficiently latitudinarian to allow all the four forms of Mohammedan canon law to be taught in the schools and to be used by the adherents of different parties.⁴ From the time of al-Mustansir on, we read of Shāfi'ite doctors being appointed to the chief cādiship.⁵ Al-Mu'izz himself seems to have gone slowly in forcing upon the country Shī'ite practices. The cadi whom he found in office, Abū Ṭāhir, received permission to continue his functions. Probably he fitted himself conveniently into the changed circumstances; for it is related that he came to Alexandria and greeted the new caliph in a somewhat ostentatious manner. Al-Makrīzī is quite explicit in his statement that Shī'ite law was first taught in Cairo by the son of the Fatimide cadi whom al-Mu'izz had brought with him. "Fatimide law," he says, "according to Shī'ite doctrine was first taught at the Azhar in Ṣafar 365 (975), when 'Alī Ibn al-Nu'mān, the cadi, sat in the Cairo mosque known as the Azhar and dictated a compendium of law composed by his father for the Shī'ites."⁶ This work was called al-Ikṭisār.⁷

¹ al-Makrīzī, *Khiṭaṭ*, vol. ii, p. 334.

² See Snouck-Hurgronje in ZDMG., vol. liii, p. 134.

³ See Guyard in JA., 1877, 1, p. 335.

⁴ In the year 425 A.H. four cadis were appointed: An Imāmī, an Isma'īlī, a Malikite and a Shāfi'ite. See al-Makrīzī, *Khiṭaṭ*, vol. ii, p. 343 et seq.

⁵ The Shī'a naturally looked with more favour upon the Shāfi'ite system, because of the position the latter took in regard to the use of قياس. See Goldziher, *Beiträge*, pp. 485, 500.

⁶ أهل البيت, a favorite designation with which the Shī'a glorified its political leaders. They, therefore, speak of the سنة أهل البيت, see Goldziher in ZDMG., vol. xxxvi, p. 279.

⁷ I have the quotation from Muṣṭafa Bairam's رسالة on the Azhar Mosque (Cairo, 1321 A. H.), p. 23. [See *al-Khiṭaṭ*, vol. ii, p. 341.] The title of this work is said by Ibn Khallikān (vol. iii, p. 565) to have been 'al-Intisār;" see further on p. 228.

Ya'kūb ibn Killis (the renegade Jew and the first Fatimide vizier¹) went further than did his master. 'During the reign of al-'Azīz, the son of al-Mu'izz, the Caliph compelled—as al-Maḡrīzī also tells us—all the poets, philosophers, and learned men to come to his house and listen to the exposition of a little book that Ibn Killis had put together containing whatever of Ismaili canon law he had heard from al-Mu'izz and al-'Azīz. On Tuesdays and on Fridays he was accustomed to hold a special levee, at which he expounded Fatimide theories. The caliph made attendance at these levees compulsory upon the learned men and the doctors ; a special building being erected for that purpose next to the Azhar. During the reign of al-Ḥākim, the people were in such dread of their ruler that they joined the Shī'a in large numbers and 'Abd al-'Azīz al-Nu'mān had to hold daily sessions, at which the initiated were received.'² The theologians had evidently gained the upper hand ; and how stringent the spirit was liable to become may be seen from the fact that in the year 381 (991) a man was actually driven from the city because a copy of Mālik's al-Muwatta' had been found in his possession.'³ In the year 380 (990) a special Jāmi'—called al-Jāmi' al-Ḥākimī was erected for the benefit of the Shī'a propaganda ; but it was not finished until the year 403 (1012).'⁴

As all Mohammedan law is really canonical law, the commander of the ship of state had to depend very largely upon his steersman at the helm. That steersman was usually and naturally the cadī, and the cadī at first had a position second only to that of the caliph himself. If al-Maḡrīzī is to be credited, al-Mu'izz had no vizier at all ; and the duty of spreading Shī'a doctrine and of consolidating Shī'a practices devolved upon the cadī. The position that he held was therefore an important one ; and, in addition, at times the superintendency of the mint and of the bureau of weights and measures was also in his hands. After a while the cadī also became the chief

¹ al-Maḡrīzī in *Jamaledḏīnni Togri-Bardii Annales*, ed. J. E. Carlyle (Cantab. 1792), Notes, p. 5.

² De Sacy, *Les Druses*, p. ccxi.

³ Muṣṭafa Bairam, *l. c.*, p. 23, *al-Khiṭaṭ*, vol. ii, p. 341.

⁴ al-Maḡrīzī, *Khiṭaṭ*, vol. ii, p. 277 ; Van Berchem, *Corpus Inscriptionum Arabicarum*, p. 50.

preacher.¹ The holders of the office must therefore have been men of some significance, and their history is closely intertwined with that of the country itself. August Müller, in speaking of the Barmecides, and the services that they rendered to the Abbāsid caliphate of Bagdad, calls attention to the fact that

¹ Upon the various functions attributed to the cadi in addition to the judgeship, see the instructive remarks of Ibn Khaldūn, *Mukaddamāt*, p. 193 below. Aḥmad ibn 'Alī al-Ḳalkāshandī, in his work on the geography and administration of Egypt, (at least in the part translated by Wüstenfeld in *Abh. der Königl. Gesell. der Wiss.* Göttingen, 1879, p. 184) speaks only of the surveillance of the markets being at times in his hands. Happily, the whole of this informing work is in course of publication by the Khedivial Library in Cairo. The importance of the "Chief Preacher" in the Fatimide period is justly brought out by al-Maḳrīzī (*al-Khiṭaṭ*, vol. i, p. 390; see, also, De Sacy, *l. c.*, vol. i, p. 140); upon him rested a good part of the onus to propagate Shī'a doctrines. Al-Ḳalkāshandī seems to know nothing of the union of the offices of القضاة and داعي الدعاة: but al-Maḳrīzī has the following: ويكون في بعض الاوقات داعيا فيقال له حينئذ قاضي القضاة وداعي الدعاة. Theoretically, it was the vizier to whom the functions of the cadi belonged (see Māwardī, *Constitutiones politicae*, ed. R. Enger, Bonn 1853, p. 39, 1); if he was unwilling to exercise the functions he could appoint deputies. This must be the meaning of al-Maḳrīzī (*Khiṭaṭ*, vol. i, p. 403): وكان من عادة الدولة انه اذا كان وزير:

رب سيف فانه يقد القضا رجلا نيابة عنه. But historically, the union of the two offices (viziership and cadiship) occurred only in a few cases; al-Ḳalkāshandī, in his account of the *wazīr* (*l. c.*, p. 181) knows nothing of it. Aḥmad ibn Sa'd al-Dīn al-Ghumrī in his *ذخيرة الاعلام* (Paris Ms. 1850) mentions the cases of Aḥmad ibn Zakarīyā and Ibrāhīm ibn Kudaina. Muḥammad ibn Aḥmad ibn Iyās recalls that al-Yāzūrī, at the time of the Fatimid al-Mustanṣir, filled both offices: خلع على القاضي ابو محمد الحسن بن علي البازوري واستقر بدائع الزهور) به وزيرا وقاضي قضا الشافعية (Paris Ms. 1822).

According to al-Shirāzī, the ultimate authority in the appointing of a cadi was vested in the spiritual or virtual head of the community:

ولا يصح القضاء الا بتولية الامام او من فوض اليه الامام (*l. c.*, p. 313, 3).

for more than fifty years this family was in the service of the state. He adds: "Das ist meines Wissens sonst überhaupt nicht und anderswo selten genug dagewesen." It is therefore not without interest to see that in the early years of the Fatimides, and for a term covering more than eighty years, the office of cadi was held (with periods of intermission) by members of one and the same family, named al-Nu'mān; and I have tried in the following paper to reconstruct the history of this family from both printed and manuscript sources.

In addition to the individual biographies of cadis in such dictionaries as that of Ibn Khallikān and its continuation by Muḥammad Ibn Shākir al-Kutubī,² the history of the cadis in the chief Islamic centers formed a special branch of Mohammedan biographical science. In his chapter on 'Ilm al-Ta'rikh,³ Hāji Khalīfa divides this science into the following categories: 1, the general history of the cadis; 2, the history of the cadis of Egypt; 3, the history of the cadis of Bagdad; 4, the history of the cadis of Baṣra; 5, the history of the cadis of Cordova; and 6, the history of the cadis of Damascus.

The history of the Egyptian cadis seems first to have been written by Abū 'Umar Muḥammad ibn Yūsuf ibn Ya'qūb al-Kindī down to the year 246 A. H. (860).⁴ This was continued by Abū Muḥammad Ḥasan ibn Ibrāhīm ibn Zūlāk, who carried it down to and through the biography of Muḥammad ibn al-Nu'mān (386 A. H., i. e. 996). Hāji Khalīfa says that an appendix to this work of Ibn Zūlāk was written by Shihāb al-Dīn Aḥmad ibn 'Alī ibn Ḥajar⁵ up to the year 852 A. H. (1448) under the title

¹ *Der Islam*, vol. 1, p. 465.

² *Fawāt al-Wafayāt*, Būlāk, 1283 and 1289 A. H.

³ Ed. Flügel, vol. ii, p. 97.

⁴ A Ms. of this work is in the British Museum; see de Goeje in ZDMG. vol. 1, p. 741. Al-Kindī's *كتاب مصر وفضائلها* was published in 1896 by J. Östrupp, (*Bulletin de l'Académie Royale*, Copenhagen, 1896, No. 4), who has made it probable that this little tract of Abū 'Umar was published by his son 'Umar al-Kindī.

⁵ Abū-l-Faḍl Aḥmad ibn 'Alī ibn Muḥammad ibn Ḥajar was born in Ascalon (al-'Asḳalānī) in 1372 and officiated as Chief Cadi in Cairo from 1424 to 1449. This will explain his interest in the history of his predecessors in office. He was a most fruitful writer on ḥadīth, and biography—as well as something of a poet. See a list of his works in

رفع الإصر في قضاة مصر. This work of Ibn Ḥajar seems to be more than a mere appendix. It is really a biographical dictionary, arranged in alphabetical order, and probably contains all the data to be found in the preceding works.¹ The *Rafʿ al-Iṣr* was continued by the author's pupil, Shams al-Dīn Muḥammad ibn 'Abd al-Raḥmān al-Sakhawī, who entitled his work *بغية العلماء والرواة* (That which is desired in regard to the, etc.).² It seems a pity that the work of Ibn Zūlāk has not come down to us; al-Siyūṭī and Ibn Khallikān evidently made use of it, as they cite it several times.³ Nor has Ibn Zūlāk's other work, *تاريخ مصر وفصائلها*, shared a better fate. I can not believe that the Paris Ms. 1817⁴ is really the work of so

Brockelmann, *Gesch. der Arab. Lit.*, vol. ii, p. 67. A very full account of the literary activity of Ibn Ḥajar can be found in his biography written by Shams al-Dīn Muḥammad ibn 'Alī al-Shaḥawī (Ms. Paris, No. 2105, fol. 191 b. et seq.—a voluminous work). Cf. also Quatremère, *Hist. des Sultans Mamlouks*, vol. i, 2, pp. 209 et seq.

¹ Those portions which deal with the family al-Nu'mān will be found below, both in text and in translation based upon the Paris Ms. No. 2149. A second (and more correct) Ms. has lately been added to the same collection from the library of the late Ch. Schefer. It is numbered 5893. No. 2152 of the same collection, containing *النجوم الزاهرة بتلخيص اخبار قضاة مصر والقاهرة* by Ibn Ḥajar's grandson, Jamāl al-Dīn Yūsuf ibn Shāhīn, is practically identical with the work of Ibn Ḥajar; despite the author's remarks in the preface that his grandfather's work was incomplete because death prevented him from making a thorough revision. The two Mss. of Ibn Shāhīn that I have examined (Paris 2152 and Berlin 9819) are very similar and are evidently of the same *provenance*. They are very correct, the Paris Ms. having been revised by the author; though they are difficult of use for text-critical purposes, as the diacritical points are wanting for the most part and the script is minute.

² A *mukhtaṣar* of this was composed by 'Alī ibn al-Luṭf al-Shāfi'i. See Ḥājī Khalifa, vol. iii, p. 473; vol. iv, p. 561.

³ See, also, Carl H. Becker, *Beiträge zur Geschichte Ägyptens*, i, p. 14.

⁴ *تاريخ مصر وفصائلها لابن زولاق*. On Ibn Zūlāk see Ibn Khallikān (de Slane's translation) vol. i, p. 388—who mentions only his topographical description of Egypt and his history of the Egyptian cadis. The latter, it is known, was merely a continuation of a work with the same title by al-Kindī.

important an authority as Ibn Zūlāk seems to have been. It is hardly of more worth than Ms. 1816 of the same library, and of which the compilers of the catalogue very properly say "cet opuscule ne renferme que des fables."¹ I may also mention Ms. 1819; which the catalogue describes as identical with Ms. 1817.²

At a later date Aḥmad ibn Sa'd al-Ḍīn al-Ghumrī al-Shāfi'i wrote a history of Egypt down to the year 1640 in double *raja*z verses, with the dates given in the form of chronograms.³ To this he appended a list of the cadis. To write such and many other things in verse was often an affectation of an Arab writer. Even before the time of al-Ghumrī, a similar thing had been done by one Abū 'Abdallāh Muḥammad ibn Dāniyāl al-Mauṣilī al-Khuzā'i (died November, 1310), an oculist in Cairo, dealing specifically with the cadis of Egypt in ninety-nine verses of a like kind⁴; to which al-Siyūṭī added those who had officiated from the time of Badr al-Jamā'a up to his own day (1481).⁵ Probably more important than these works must have been a history of Egypt written by Muḥammad ibn Abī-

¹ Catalogue, p. 330. كتاب فضائل مصر واخبارها وخواصها .

جواهر البكور ووقائع الامور وعجائب الدهور واخبار الديار
المصريّة . Another Ms. of this work is described in Flügel, *Die arabi-*

ischen . . . *Handschriften der k. k. Hofbibliothek zu Wien*, vol. ii, p. 148. See, also, Blochet in *Revue de l'Orient Latin*, vol. vi, p. 460. A renewed examination of Paris Mss. 1816, 1817, 1818, 1819 and 1820 has convinced me that not one of them can really claim to be the work of Ibn Zūlāk. Nos. 1817, 1818, 1819 and 1820 exhibit practically one and the same text; 1817 and 1819 going back to one and the same Ms. As these discuss events as far down as the Ottoman invasion, it is impossible that 1817 is by Ibn Zūlāk. Nos. 1816 and 1818 are for a great part merely a shorter and a longer recension of one and the same treatise. No. 1816, fol. 45b mentions the 'Ukūd al-Duriyya of al-Jazzār, who died in 1281 A.D.! I hope to return to Ibn Zūlāk upon another occasion.

³ Brockelmann, *l. c.*, vol. ii, p. 297. There are some 9,000 verses in the Berlin Ms. of this work. See Ahlwardt's Catalogue, No. 9831. I have given, further on, that portion which deals with the al-Nu'mān family, taken from Paris Ms. No. 1850.

⁴ Brockelmann, *l. c.*, vol. ii, p. 8. They form the basis for Ibn Ḥajar's *Raf' al-Iṣr*, and are there cited in full.

⁵ Both are printed in al-Siyūṭī's *Ḥuṣn al-Muḥāḍara* (Cairo, 1321), vol. ii, pp. 117-121.

l-Kāsim 'Uбайд Allāh ibn Aḥmad al-Musabbihī (976-1029).¹ This work, entitled كتاب اخبار مصر وفضائلها is said to have comprised some 26,000 pages, and is frequently quoted as one of the best authorities; but only an occasional part has remained to testify to its worth. There are, of course, plentiful notices about the Egyptian cadis in the monumental work of al-Maḥ-rizī (1364-1442; *al-Khitāt*); and al-Siyūṭī in his *Ḥuṣn al-Muḥā-dara* has a special chapter, headed ذكر قضاة مصر.² The material for this present study has been gotten chiefly from the dictionary of the Egyptian cadis by Ibn Ḥajar, from the biographical dictionary of Ibn Khallikān, from the *Khitāt* of al-Maḥrizī, and from the short notices on the family to be found in Ibn Khaldūn's *Kitāb al-'Ibar*, vol. iv (p. 55). Ibn Khallikān and Ibn Ḥajar have evidently used very much the same sources—Ibn Zūlāk and al-Musabbihī.

II. THE FAMILY OF AL-NU'MĀN.

Kāfūr the Irshīd had placed Abū Tāhir Muḥammad ibn Aḥmad ibn 'Abdallāh al-Baghdādī al-Dihlī al-Mālikī in office as cadi during the year 348 A.H. He remained cadi, some say for sixteen, others for eighteen years. When al-Mu'izz came to Egypt on Sha'bān 23, 362 (May 29, 973), he brought with him his own cadi, al-Nu'mān.³ The father of al-Nu'mān, Abū

¹ His biography is given in Tallqvist, *Fragmente des Ibn Sa'd*, pp. 96-99; 102-104; Ibn Khallikān (transl.) vol. iii, p. 87. He lived 976-1029. See, also, Becker, *l. c.*, i, pp. 16, 32 et al. It is well known that the name is often found in Mss. as المسيحي. For the correct pronunciation, in addition to the authorities quoted by Becker, *l. c.*, p. 16, note 3, see Ibn Khallikān, vol. iii, p. 90, and al-Dhahabī, *al-Mushtabih*, ed. P. de Jong., 1881 p. ٢٨٣.

² Ed. Cairo, 1321 A.H., vol. ii, p. 95.

³ According to Abu-l-Maḥāsīn (vol. ii, p. 488) al-Nu'mān was originally a follower of the Ḥanifite School. النعمان بن محمد ابو الحنيفة المغربى الباطنى قاضى مملكة المعز وكان حنفى المذهب لأن العرب كان يوم ذاك غالبية حنيفة الى ان حمل الناس على مذهب مالك فقط. He is here designated as belonging to the Bāṭiniyya; which, I believe, is merely the equivalent of the ordinary term

Hanīfa, was himself a well-known littérateur, who had died at the advanced age of 104. Al-Nu'mān had acted as *cadi* to the army of the Fatimides on its journey from the land of the Berbers; but Abū Ṭāhir came to Alexandria to meet al-Mu'izz, and seems to have pleased al-Mu'izz so much that he was allowed to continue in office.¹ Ibn Nu'mān had thus little to do; but occasionally he was called upon to revise the judgments given by Abū Ṭāhir. One of these cases must have occurred in the year 974, for he died before the case was concluded, either on Rajab 1, or on the last day of Jumāda 363 A.H.² Al-Nu'mān seems to have been a learned jurist. At first an adherent of the school of Mālik, at a later time he adapted himself to the Shī'a teachings of his master, al-Mu'izz. To his first period belongs a work *كتاب اختلاف اصول المذاهب* dealing with the different principles upon which the various schools founded their systems. He then became an ardent Fatimide, and placed his pen in its service, writing a work *اختلاف الفقهاء* upon the differences between the jurists, in which he defended the Shī'a claims. To the same class belongs his *كتاب ابتداء الدعوة* العبيديّة,³ an account of the first preaching of Fatimide doctrines. Two further juridic works written by him are mentioned: *كتاب الانتصار* and *كتاب الاخبار* (The Triumph or Vindicator); but to what subject they refer, we do not know; and a poetic piece *المنتخب* (Choice Selection). Only one of his writings

اسماعيليّ. Al-Shahrastānī, *al-Milalw-al-Niḥal*, ed. Cureton, p. ١٤٧ : الباطنية وهم يقولون نحن اسماعيلية Muḥammad ibn Aḥmad al-Khuwārazmī *مفاتيح العلوم* (ed. G. Van Vloten) 1895, p. ٣١ : الاسماعيليّة وهم الباطنيّة.

¹ Ibn Khallikān, vol. iii, p. 379; *Ḥuṣn*, vol. ii, p. 101.

² See the case cited by Ibn Ḥajar. According to the latter, this occurred on the 25th day of the month: but the name of the month is not given.

³ Or, perhaps more correctly; *كتاب افتتاح الدعوة الظاهرة* as given by al-Maḥrizī in his *كتاب المققا*. A small extract from this work is given by Quatremère in *J.A.* 1836, ii, p. 123. See, also, Brockelmann, *l. c.* vol. 1, p. 188.

on law seems to have been spared **شرح الاخبار في فضائل النبي** on the excellency of the prophet and the claims of Ali, which may be the **كتاب الاخبار** mentioned above;¹ while of his three polemical work against Abū Hanīfa, Mālik, al-Shāfi‘ī and al-Suraij,² one may be the **كتاب الانتصار**. He is also said to have written a work on the “meritorious and disgraceful acts (committed by the Arabian tribes).” He is praised by Ibn Zūlāk for his knowledge of the Koran, of Arabic poetry, philology, pre-Islamic history, and jurisprudence. He left several sons, two of whom followed him in the office of *cadi*.

Abū Ṭāhir was evidently growing old, and al-Mu‘izz gave him as assistant or associate the son of al-Nu‘mān, Abū al-Ḥasan ‘Alī. ‘Alī was born in Rajab 328 (940),³ probably in Maḥdiyya, the city in which the dynasty took its rise. He officiated in the Jāmi‘ al-‘Aṭīk in old Cairo, while Abū Ṭāhir had his own Majlis. When al-Mu‘izz died, in 365 A. H. (975), his successor al-‘Azīz confirmed the arrangement made by his father. In addition, Abū al-Ḥusain was appointed over the mint,⁴ an office often committed to the care of the *cadi* in those days, as well as over the two mosques, probably the one in Fostāt and the other in Cairo. This double authority could naturally not last long, A case is mentioned where Abū Ṭāhir imprisoned certain persons, who however appealed to ‘Alī and were set free. As age and disease crept over him, Abū Ṭāhir had to be carried about; and one day he met the caliph at the Bab al-Diyāfa⁵ and asked him to

¹ Berlin Ms. No. 9662, though this seems to contain only an extract from the larger work on “die Vorzüglichkeit des Profeten und die Berechtigung Ali’s auf die Nachfolgerschaft.”

² *Fihrist*, vol. 1, p. 213.

³ Ibn Khallikān, however, says Rabī‘ i. 329.

⁴ On the situation of the **دار الضرب** see al-Maḥrizī, *al-Khiṭaṭ*, vol. i, pp. 406, 445; Ravisse, *Essai sur l’histoire et sur la topographie du Caire*, p. 76; P. Casanova, *Histoire et Description de la Citadelle du Caire*, p. 720.

⁵ The *Bāb al-Diyāfa* must have been near to the citadel. There was a palace called *Dār al-Diyāfa*. See Casanova, *La citadelle du Caire* in the *Mémoires* of the *Mission archéologique française du Caire*, vol. vi, p. 738, and Ibn Iyās, **كتاب تاريخ مصر** (Būlāk 1311, A.H.), vol. i, pp.

147, 4; 310, 18. Ibn Khallikān says “near the *Dār al-ṣanā’a*” (al-Maḥrizī, *al-Khiṭaṭ*, vol. ii, p. 178).

appoint his son Abū al-'Alā as his substitute. This favor was denied and after three days¹ he was deposed and the sole cadi-ship was given to Ali. It seems, however, that Ali's power was at that time not quite complete. The friends and patrons of Abū Ṭāhir interceded for him, and he continued his functions in his own house, perhaps revising the judgments given in other courts. Ali was now publicly invested in the two mosques; in that of old Cairo it was his own brother Mohammed who read out his diploma. His appointment was complete not only over all Egypt, but over those countries also subject to the Egyptian Caliph. In addition he was appointed chief preacher, inspector of gold and silver, and controller of weights and measures. Ali, himself, soon needed assistance. His brother Mohammed was appointed to be his deputy in Tinnīs, Damietta and Faramā; while a second deputy was added in the person of al-Ḥasan ibn Ḥalīl. The latter was a follower of al-Shāfi'ī; but a special order was given him to decide according to the Shī'a rite.²

In the year 367³ the caliph al-'Azīz was called to Syria to quell the revolt of the Carmathians, whom his lieutenant, Jauhar, had been unable to hold in check. He took his cadi, Ali, with him, and Ali's brother Mohammed was appointed his substitute during his absence. Some enemies spread the report that he had in reality been superseded; and from where he was with the army he was forced to send word to the prefect of police, Ḥasan ibn al-Ḳāsim, asking him to deny the rumor and to strengthen the hand of his brother. Ali was upon very friendly terms not only with al-'Azīz, but also with his vizier, Jacob ibn Killis. It is said that he was the first to bear the title "Chief Cadi" in his diploma.⁴ Before his time the title had been granted only to the cadi at Bagdad. Ali died on

¹ Ibn Khallikān has "two days."

² See *supra*, p. 218, note 2.

³ Not 368, as Ibn Ḥajar has. See Wüstenfeld, *Fatimiden Califen*, p. 138-9; de Goeje, *Mémoire sur les Carmathes du Bahraïn* (Leiden, 1886), p. 192.

⁴ *Ḥuṣn*, vol. ii, p. 101. He seems to have been recognized as chief cadi, though the title was not given to him in his diploma. According to Ibn Khallikān (vol. iv, p. 273), the celebrated Abū Yūsuf Ya'qūb al-Anṣārī, the author of the *Kitāb al-Kharāj*, was the first to have the title القاضي القضاة.

Rajab the 6, 374 (Dec. 3, 984). Al-'Azīz, who was in camp at al-Jubb, a plain near Cairo, where all sorts of assemblies popular and military were held,¹ came to the city, and himself said the prayers over the corpse, which was then buried in the Ḥamrā.² He was a well educated man, learned in jurisprudence, philology, polite literature and poetry.³ In fact, he was something of a poet himself, and a few of his verses are cited by al-Tha'ālibī in his *Yatīmat al-Dahr*, by Abū al-Ḥasan al-Bakharzī,⁴ and by Ibn Zūlāk.

Ali's brother, Abū 'Abdallāh Muḥammad, who had acted as his substitute while he was in Syria, was formally appointed cadi on Friday, Rajab 22, 374—the office having been vacant for 17 days on account of the sickness of the new cadi. Born in the Maghrib, various stories are told that as a boy he had been singled out by Al-Mu'izz for the position that he now occupied. He must have been a man of some abilities to have held so important a post. He was constitutionally weak-bodied and was compelled to ride about in a palanquin. In this manner he was carried to the camp of al-'Azīz for investiture; and he was even unable to be present when his son 'Abd al-'Azīz read out his diploma in the Jāmi' al-'Atīk at Fostāt. In this diploma he was appointed chief cadi over the whole of Egypt and the Syrian possessions of the Fatimides; he was also leader in prayer, inspector of gold and silver, and controller of weights and measures as his brother had been. Not being able to attend to all his duties, he devolved some of them upon his nephew, Abū 'Abdallāh al-Ḥusain ibn 'Alī, who was to hear cases in the Jāmi' al-Ḥākīmī. At the suggestion of the caliph himself, he appointed his son, Abū al-Kāsim 'Abd al-'Azīz to be his representative in Alexandria. He stood high in favor with the government; his son, 'Abd al-'Aziz being married to the daughter of

¹ Really *Jubb 'Amīra*, Yāḳūt, vol. ii, p. 18, 4: **وَجَبَّ عَمِيرَةَ قَرِيبٍ مِنْ**
القاهرة يبرز اليه الحاج والعساكر. *A* **بَرَكَةُ الْجَبِّ** is mentioned by al-Maḳrīzī. See de Sacy, *l. c.*, vol. i, p. 187.

² Yāḳūt, vol. ii, p. 333, 3 says simply **والحمراء ايضا بفسطاط مصر**.

³ It is remarkable that Ibn Ḥajar has nothing to say about his literary attainments.

⁴ Brockelmann, *l. c.*, vol. i, p. 252.

Jauhar the Kā'id, at a levee held by the caliph himself (Friday, Jumāda 1, 375 = September 19, 985). It is even related that upon one occasion (Jan. 5, 996) he accompanied the caliph into the pulpit; and when al-'Azīz died in 386 A. H. (996) Muḥammad had the honor of washing his corpse.¹ This naturally excited the jealousy of the vizier Ibn Killis, who was afraid of the growing power of the al-Nu'mān family. Muḥammad, however, succeeded in maintaining his position even under al-Ḥākim, the successor of al-'Azīz; being high in the favor of the eunuch Barjawān, the tutor of the young prince. He was also quite intent to advance his own immediate family. In Jumāda 1, 377 (Sept. 7, 987) he removed his nephew Abū 'Abdallāh, to whom he had given over some of his functions, and placed in his stead his own son, 'Abd al-'Azīz, giving him authority to act as judge on Mondays and Thursdays. In Muḥarram 383 (Feb. 993), he increased the authority of 'Abd al-'Azīz by allowing his son to sit as judge on every day.

This power of the *cadi* was distasteful also to the theologians and the jurists; for he forced people to address him with the title سَيِّدَنَا, "Our lord."² Ibn Ḥajar seems to refer to some such dispute that occurred in the year 382. Muḥammad had appointed a certain Ja'far to publish the religious enactments in the Jāmi' according to the Meccan rite.³ To this the Faḳīhs objected; but their objection was overruled in a summary manner.

On account of his physical weakness he was unable to attend to much of his work during his latter years. He is said to have been of fine appearance, noble in his bearing and a ready giver of alms. Ibn Zūlāk pays him the compliment of saying that he knew of no *cadi*, either in Egypt or in 'Irāq, who could be called his equal. Though learned in all the Moslem sciences,⁴

¹ When the Caliph al-'Azīz felt his end approaching, he recommended his son al-Ḥākim to Muḥammad ibn al-Nu'mān and to Abū Muḥammad al-Ḥasan ibn Ammār, the Amīr al-Daula. See Ibn Khallikān, vol. iii, p. 528.

² On the use of this title, see Van Berchem, *l. c.*, pp. 385, 386.

³ I am not certain to what rite reference is made here—probably to that of the Zaidite sect. The Sharifs of Mecca afterwards went over to Shāfi'i practices. See Snouck-Hurgronje, *Mekka*, vol. ii, p. 251 f.

⁴ He lectured upon Shī'a law and doctrine. So many people crowded to hear him upon one occasion that a number were killed in the crush.

he left no work behind him ; but he followed the Arabic custom of writing poetry, a verse or two of which have been handed down. Al-Musabbihī, however, did not think much of his poetic talents. He died on Tuesday evening, Ṣafar the fourth, 389 (Jan. 25, 999), having been in office 14 years, 6 months and 10 days. Al-Ḥākim, himself, said the customary prayers over his body. He was buried at first in his own house and then on Ramaḍān the ninth (August) his corpse was transferred to the Karāfa cemetery.¹ His palace was given to one of the friends of al-Ḥākim, and all his possessions were sold in order to pay the money of orphans and minors that had been deposited with him.²

For some reason no chief cadi was immediately appointed to succeed Mohammed. According to Ibn Ḥajar, who follows al-Musabbihī,³ the interregnum lasted for seventeen days ; according to Ibn Khallikān for more than a month. On Ṣafar the 23,⁴ Abū ‘Abdallāh al-Ḥusain, the son of ‘Alī, who had held

وفي ربيع الأول سنة : Al-Maḥrizī, upon the authority of al-Musabbihī :
خمس وثمانين وثلثمائة جلس القاضي مكّيد بن النعمان على
كرسيّ بالقصر لقراءة علوم آل البيت على الرسم المعتاد المتقدّم
له ولاخيه بمصر ولاييه بالمغرب فمات في الزحمة احد عشر
رجلا فكفّهم العزيز بالله (or وعشرون) (*al-Khiṭaṭ*, vol. i, p. 390,
top, and de Sacy, *l. c.*, vol. i, p. 139).

¹ To the south of Cairo. See Yākūt, vol. iv, p. 48 ; al-Maḥrizī, *Khiṭaṭ*, vol. ii, p. 443 ; Rieu, *Supplement to the Catalogue of Arabic Mss.*, p. 448 ; Van Berchem, *l. c.*, p. 26.

² It was customary to deposit in the chancellerie of the cadi moneys belonging to orphans or to persons who were absent. See Māwardī, *l. c.*, p. 11a, in the chapter headed ولاية القضاء. Such moneys could not be loaned out ; though this was, of course, occasionally done under pressure. Al-Maḥrizī relates one such incident in the life of Saladin. In the year 590 A.H. he needed money for one of his campaigns ; so he forced the cadi Zain al-Dīn to take 14,000 dīnārs that were in his keeping and give them to him. See Blochet in *Revue de l'orient Latin*, vol. ix, p. 76.

³ He says expressly that al-Ḥusain was nominated on Ṣafar 27.

⁴ And not on Rabi‘ 6, as Ibn Khallikān says—who seems to know very little about this cadi.

partial office for a time under his uncle Mohammed, was appointed *cadi* by the all-powerful Barjawān. His diploma read that he was appointed to act for Cairo, Fostāt, Alexandria, Syria, Arabia, and the whole West.¹ He had been born in Mahdiyya in Dhulhijja, 353. He does not seem at first to have exercised all the functions of his office, a certain ‘Umar ibn ‘Abd al-‘Aziz ibn Muḥammad ibn al-Nu‘mān having the authority over criminal cases. If this is his cousin, the Kunya “Ibn ‘Umar” is wrong; perhaps it was some distant relative. A few years later, he placed Al-Ḥusain ibn Muḥammad ibn Ṭāhir to be judge in Old Cairo, Mālik ibn Sa‘id al-Fāriḳī in New Cairo, and his brother, who is called simply al-Nu‘mān, in Alexandria. It is not apparent why he should in this manner have delegated to others so many of his functions.² But he was evidently harsh in his judgment, for in Ṣafar 391 (1000), or 393 (1002),³ he was treacherously attacked and wounded in the Jāmi‘ by a Spaniard, so that in future he had to be protected by a body guard. In spite of this, he seems to have been well in the favor of the caliph al-Ḥākim, who gave him a house near to the Khalij al-Ḥākimi.⁴ He was the first Fatimide *cadi* to be appointed chief preacher; in addition, he was inspector of the mint and chief secretary. It was his own harshness of manner that caused his downfall. A man who brought a case before him had been wanting in due respect. At the order of the *cadi* the man was bastinadoed with 1800 strokes so that he died, and al-Ḥākim commenced gradually to shear him of his prerogatives. According to Ibrāhīm Ibn al-Raḳīḳ, it was his lust for money that really caused his downfall.

¹ In the diploma of Muḥammad ibn al-Nu‘mān nothing had been said about the Maghrib. It is, however, mentioned in that of ‘Alī. Of course, a *cadi* could exercise his functions only over the districts mentioned in his diploma. See Tornauw, *Le Droit Musulman*, p. 243. Al-Ḥusain was the first to have the title **القضاة قاضي** given to him officially.

He was also leader in prayer and surveiller of the markets. Al-Ḳalkash-andi (*l. c.*, p. 184) says: “at times the Egyptian provinces, the districts of Syria and the lands in the Maghrib were joined together under the jurisdiction of one *cadi*, and only one diploma was given him.”

² Though this was clearly within the rights of a *cadi*.

³ According to al-Musabbiḥī. In Ṣafar 13 he is reported to have said the prayers over the body of the vizier Ja‘far ibn al-Furāt. Ibn Khallikān, vol. i, p. 321.

⁴ *Khīṭat*, vol. i, p. 71.

In Rajab 393 (1003), though al-Ḥusain was confirmed in his office, his cousin 'Abd al-'Azīz was permitted to take testimony and to act as referee. This divided authority occasioned much difficulty for litigants. His continued haughtiness and harshness eventually robbed him of the caliph's confidence, and he was finally removed from office on Ramaḍān 16, 394 (July 7, 1004). On Muḥarram 6, 394, he was imprisoned by the order of al-Ḥākim, and, together with two others, was beheaded at the beginning of 395. The bodies of all three were then burned.

The place of al-Ḥusain was taken by Abū al-Ḳāsim 'Abd al-'Azīz, who was invested cadi Ramaḍān the 16, 394.¹ He had already held office under or together with his cousin al-Ḥusain. It is expressly stated that he combined in his person all the offices of cadi, even that of hearing complaints.² He seems to

¹ Born Rabī' 1, 354 (= March 7, 965) or 355. The authorities disagree.

² **النظر في المظالم**. This office seems to have been in some manner similar to our court of appeal. Cases were also brought before the official holder of the appointment which could not, for one reason or another, be settled in the ordinary procedure. "**مظالم** torts, est un terme technique désignant les actes injustes et dommageables que les magistrats ordinaires se trouvent impuissants à réprimer, et dont on demande la réparation en s'adressant directement au Prince."—Léon Ostroog, *El Ahkām es-Soulthāniye*, Paris 1901, p. 209, note. Technically, again, the functions belonged to the vizier, though he might delegate them to a representative. Māwardī (*l. c.*, p. 39, 3) says in this respect: **ويجوز أن ينظر في المظالم ويستنيب فيها**. Al-Maḳrīzī is more precise; according to him the vizier sat as appeal judge in case he was a military man. *Khīṭaṭ*, vol. i, p. 403, in the chapter headed: **مجلس النظر في المظالم**: **فان كان وزيره صاحب سيف جلس المظالم بنفسه**. Generally, however, the head cadi was appointed by the caliph to hear such appeals, or an officer was especially designated for the purpose (see, also, *ibid.* vol. ii, p. 207). Ibn Khaldūn, *Muḳaaddamāt*, p. 193: **وقد كان الخلفاء من قبل يجعلون للقاضي النظر في المظالم وهي وظيفة متميزة من سطوة السلطنة ونصف القضاء وتحتاج إلى علو وعظيم رهبة لقمع الظالم من الخصمين**. See also, de Sacy, *l. c.*, notes, vol. i, p. 132; ibn Khallikān, vol. i, p. 346, note 14.

have enjoyed unwonted honors at the hands of al-Ḥākim, being permitted on two occasions to enter the pulpit with the caliph—an honor, which, as we have seen, had also been accorded to his father. As a judge he was severe and firm. He is especially noted for his learning in the Canon law according to the Imāmī rite. He was appointed to be the head of the *Dar al-‘Ilm*, where he collected a large library; he had the care of the mosques and of the pious foundations, (*wakf*), and was administrator for various estates. The marriage of his sons to the daughters of the Kā'id Faḍl ibn Šāliḥ was celebrated in the Kaṣr itself; but al-Ḥākim must in his madness have found some fault with him and he was deposed on Friday, Rajab 16, 398 (March 27, 1008). That he was married to a daughter of Jauhar has already been related. It was perhaps this fact that hastened his fall. On Sha'bān 7, 398, he and al-Ḥusain, son of Jauhar, the general in chief of the army, were ordered by al-Ḥākim to remain in their houses and not to show themselves in the market-places. This order was rescinded a few days afterwards, and ‘Abd al-‘Azīz was in office again in Šafar 19, 400.¹ But al-Ḥusain and ‘Abd al-Azīz evidently did not feel themselves safe, and together with the wife of ‘Abd al-‘Azīz they fled from Cairo. They were lured back by the crafty prince, Muḥarram 4, 401 (1009),² and the chief executioner, Rashīd al-Ḥaḳīḳī, with ten Turks was ordered to put them to death. Their heads were then brought to al-Ḥākim. This occurred in Jumāda 2, 401 (Jan. 31, 1011).

Curiously enough, Ibn Khallikān asserts that with the death of ‘Abd al-‘Azīz “the office of *cadi* passed out of the family of al-Nu‘mān;” but one more *cadi* was to come from the family—the son of ‘Abd al-‘Azīz, Abū Muḥammad al-Kāsim. Perhaps he is not mentioned by Ibn Khallikān since the exact date of his death is unknown. Yet this would not excuse his distinct statement in regard to the passing of the *cadiship*.

After the execution of ‘Abd al-‘Azīz, Mālik ibn Sa‘d al-Fārīkī occupied the position. He remained in office until Rabī‘ 2, 405 (1011), when the functions were given to Abū al-‘Abbās

¹ De Sacy, *Les Druses*, p. CCCXXXII, says in 399.

² Al-Maḳrīzī in de Sacy, *l. c.*, vol. i, p. 61. See, also, Ibn Khallikān, vol. i, pp. 253, 345. Even the position of *النّاظر في المظالم* was again given to him.

Aḥmad ibn Muḥammad ibn ‘Abdallāh ibn Abī-l-‘Awwām, who held office until his death in Rabī‘, 418 (1027). Al-Siyūṭī affirms that al-Ḳāsim was appointed immediately upon the death of Abū-al-‘Awwām ; but Ibn Ḥajar dates his first appointment from Jumāda 1. There may, therefore, have been another interregnum. In spite of the high-sounding titles attached to his name in the diploma, he lasted only a little over a year,¹ being succeeded by the son of Mālīk, ‘Abd-al-Ḥākim ibn Sa‘īd. ‘Abd-al-Ḥākim was in turn deposed in Dhulḡa‘da 427 (1036) ;² and our Ḳāsim again returned to power, having jurisdiction over both civil and criminal cases, and being at the same time chief preacher. He had as assistant the historian Abu ‘Abdallāh Muḥammad ibn Salāma al-Ḳudā‘ī.³ This second term of al-Ḳāsim lasted thirteen years, one month, and four days until Muḥarram, 441 (1049) ; but the historians do not speak with admiration of the manner in which he held his office. For short periods even he seems to have been replaced ; at one time by Yaḥyā al-Shihābī, at another by al-Ḳudā‘ī.⁴ He was followed in 441 by Abū-Muḥammad ibn ‘Alī ibn ‘Abd al-Raḥmān al-Yāzūrī, who was in power for seven years and was the first to unite in his person the offices of vizier and cadī.⁵ The further history of al-Ḳāsim is unknown, and with him the glory seems to have departed from the family of al-Nu‘mān.

From the biographical data given in the texts, the following genealogical tree may be constructed :

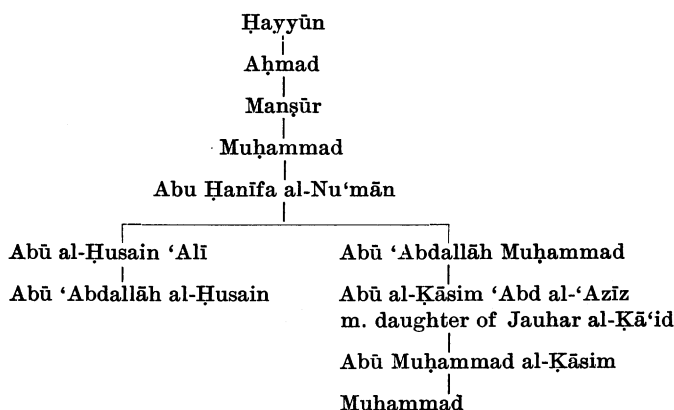
¹ Ibn Ḥajar says : “ one year, two months, and some days.” Paris Ms. 1850 has “ three months and a half.”

² Al-Siyūṭī has 329 !

³ Brockelmann, *l. c.*, vol. i, p. 348.

⁴ Ibn Taghri Birdī (Abu-l-Maḥāsin), in his annals for the year 436 mentions the death of the Damascus cadī Muḥsin ibn Muḥammad ibn al-Abbās, who was the *nā‘ib* of al-Ḳāsim ibn al-Nu‘mān for that city. Dr. Wm. Popper, who is preparing an edition of the latter part of Ibn Taghri Birdī’s work, has been kind enough to give me this information.

⁵ See al-Ghumrī, below. The name occurs quite often in Mss. misspelled بازوری.



III. THE ARABIC TEXT OF IBN ḤAJAR FROM THE PARIS MS.
No. 2149.

النعمان بن محمّد بن منصور بن أحمد بن حيّون fol. 136b.

الاسماعيليّ المغربيّ يكنى أبا حنيفة تقدّم نسبه في ترجمة
 ولده عليّ. وكان قدومه صحبة المعزّ من المغرب وهو يتولّى
 القضاء في عسكر المعزّ فاقترّ المعزّ أبا الطاهر على حاله وأول ما
 فوّض للنعمان الحكم في الضيعة التي كان محمّد بن عليّ المادراي¹
 حسنّها². ثمّ باعها في المصادرة فاشتراها منه عمر بن الحسن
 العبّاسيّ ثمّ باعها أولاده فاشتراها فرج التجكمتيّ فاثبت أحمد
 بن إبراهيم بن حماد بتحبيسها ثم اتّصل بالخصيبيّ فحكم

¹ Read المادرايّ, and see Yākūt, vol. iv, p. 381.

² Ms. Paris 5893 has the better reading حبّسها.

بأنها حبس . ثم اتصل ذلك بابي الطاهر فاحصى ذلك فتظلم
 فرج التحكمتي الى المعز فامر النعمان بن محمد ان ينظر في
 امرها فاتصل به اشهاد ابي طاهر بجميع ما في الكتاب اى كتاب
 التكبيس فشهد عنده الحسين بن كهمش وعبد العزيز بن اعين
 ٥ على اشهاد ابي طاهر بما ذكر فعاجلت النعمان المنية قبل
 اكمال القضية . وكانت وفاته في [??] وكان يسكن مصر ويغدو
 منها الى القاهرة في كل يوم واستمر ابو الطاهر على حاله ولكن
 اضاف اليه المعز على بن النعمان وكان يحكم بالجامع العتيق ايضاً
 [ثم^١] بعد موت المعز وتولى العزيز ردة امر دار الضرب والجامع لعلّ
 10 بن النعمان بن محمد فحضر الجامع وحكم وحضر ابو الطاهر في
 مجلسه على العادة وحكم وحضر معه جمع كثير من الشهود
 والفقهاء والتجار واعلنوا بالدعاء لابي الطاهر [فاحضروا متولّى
 لشرطة الذين اعلنوا بالدعا لابي الطاهر^٢] فمجنهم فشفع
 فيهم على بن النعمان فاطلقوا وواصل ابو الطاهر الجلوس
 15 بالجامع . ولم يزل امره مستقيماً الى ان حصلت له رطوبة
 عطلت شقه فعجز عن الحركة الا محمولاً . فركب العزيز يوماً في
 مستهلّ صفر سنة ستين وثلاثمائة فتلقاه ابو الطاهر وهو محمول

^١ Mss. Paris 5893, 2152.^٢ Mss. Paris 5893, 2152.^٣ Read المعز.

عند باب الضيافة فسأله ان يأذن له في السجّلات ولده ابي
العلاء بن ابي الطاهر نيابة عنه بسبب ما به من الضعف .
فقال المَعزّ ما بقى الا ان تقدّوه ثم في ثالث يوم صرف ابا
الطاهر وقتل على بن النعمان كما سبق في ترجمته .

5 fol. 85a. على بن النعمان الاسماعيلي

على بن النعمان بن محمّد بن منصور بن احمد بن حيّون
المغربى القيروانى الاسماعيلي من المائة الرابعة وُلِدَ في رجب
سنة ثمان وعشرين وثلاثمائة وقدم مع المعزّ من المغرب فامره
بالنظر في الحكم . فكان يحكم هو . وادب الطاهر والشهود
يشهدون عليهم جميعاً وعندهما والاجتماع عند ابي الطاهر .¹⁰
فلما مات المعزّ ردّ امر الجامعين ودار الضرب لعلّى بن النعمان
فحضر الى الجامع العتيق وحكم ثم واطب ابو الطاهر الحكم في الجامع
وعزل جماعة¹ ثم عرض له الفالّج فقوّض المعزّ² الحكم الى ابي
علّى بن النعمان وذلك لليلتين خلتا من صفر سنة ست وستين
وثلاثمائة . فركب الى الجامع الازهر في جمع كثير وعليه خلعة¹⁵
مقلّداً سيفاً وبين يديه خلع في مناديل عدتها سبعة عشر

¹ Reading of Ms. Paris 2152, Ms. Berlin 9819. Ms. Paris 5893 has
وعد الجماعة 2149 ; Ms. 2149 وعدل .

² Read العزيز as Ms. Berlin 9819.

وقرى سجّله بالجامع وهو قائم على قدميه فكلمها مر ذكر المعزّ
 او احد من اهله اومى بالسجود . ثم توجه الى الجامع العتيق
 بمصر فوجد الخطيب عبد السميع ينتظره بالجامع وقد كان
 الوقت ان يخرج فصلّى الجمعة وقرى اخوه محمد عهده وفيه انه
 5 ولى القضاء على مصر واعمالها والخطابة والامامة والقيام في
 الذهب والفضة والموازين والمكاييل . ثم انصرف الى داره فركب
 اليه جماعة الشهود والاضاء والتجار ووجوه البلد ولم يتأخر عنه
 احد وكان في سجّله اذا دعى احد الخصمين اليك ودعى الاخر الى
 غيرك ردّا جميعاً اليك فعرف ان ذلك اشارة الى منع ابي الطاهر
 10 فامتنع من يومئذ حين بلغه . فلما كان اليوم الثالث من ولايته
 ركب على بن النعمان الى الجامع العتيق وبين يديه سلّة حمراء
 وجلس في مجلس الصفّ عند حلقة الزوال وركب معه الشهود
 والاضاء والفقهاء والتجار فكان الجمع وافراً جداً فنظر بين الناس
 ودعا بالوكلاء وقرأ عليهم سورة العصر وحضهم على تقوى الله .
 15 ثم طلب الشهود وسأل عن القاضى ابي الطاهر فقال له الحسين
 بن كهّمش وكان وجه الشهود حينئذٍ هو على حاله فقال ينظر
 في الحكم في داره دون الجلوس في الجامع فبلغ ذلك ابا الطاهر
 فنصرف الوكلاء وانقطع عن الحكم وعنى بعض اهل البلد بابى

الظاهر فتتجد له توقيعا بان ينظر في الحكم على حاله وجمع
الشهود وقرى عليهم فبلغ ذلك ابا الطاهر فامتنع . وقال ما افعل
ولا بى طاقة . فقال له الحسين بن كهشم جاز [ي] الله القاضى
وسكت على بن النعمان [عن طلب ديوان الحكم فلم يسأل عنه
ولا طلبه حسن عشرة وجميل فعل . ولما امتنع ابو الطاهر 5
انبسطت يد على بن النعمان¹ في الاحكام . واستخلف على اخاه
محمد² والحسن بن خليل الفقيه الشافعى وشرط عليه ان يحكم
بمذهب الاسماعيلية لا بمذهب الشافعى وكان يحكم اذا
اشتغل محمد . واستخلف على اخاه محمد² على تئيس ودمياط
والفرما وغيرها فخرج اليها وقرّر فيها نوابا ثم عادوا واتخذ 10
على في داره سجفا . ولما سافر العزيز سنة ثمان وستين لحرب
لقرامطة سافر صكبته واستخلف اخاه محمد² واشاع جماعة ان
العزيز [عزل] على بن النعمان وكاتب محمد² اخاه بذلك فتتجزر توقيع
العزيز الى متولى الشرطة وهو حسن بن القاسم بالكشف عن ذلك .
وتقدّم اليه بعدم² الحوض في ذلك وتقوية يد محمد بن النعمان 15
وكانت الشهود يجلس في الجامع على رسم القضاة قبله في الشتاء في
المقصورة وفي الصيف عند الشباك ثم وقع الابعاد ان يجلس معه

¹ Mss. Paris 5893, 2152.² Mss. Paris 5893, 2152.

في مجلسه اربعة عن يمينه وعن يساره ويشاهدون ما يقع من احكامه وكان الذي يكتب عنه التواقيع يأخذ عليها رسماً فانكر ذلك على بن النعمان بعد سنة من ولايته ومنعه. وارتد في أيامه رجل واستأذن العزيز وضرب عنقه واختص ابن النعمان 5 بالعزيز كاختصاص ابيه بالمعز. وكان يجالسهُ ويواكلهُ ويركب معه ويسايره وكان الوزير يعقوب بن كلثس يعارضه وهو يتغافل عنه وزاد به الامر الى ان كان لا ينفذ حكماً ولا يعدل شاهداً ولا يقلد نائباً الا بعد مطالعة الوزير بذلك. وابطل القاضي الجلوس بالجامع لمبالغة الوزير في اضعاف يده الى ان قبض على 10 الوزير فعاد على بن النعمان الى حالته. وكان اول من لقب قاضي القضاء بالديار المصرية لانه كان في سجله ان جميع الاعمال داخلته في ولايته.

fol. 129a. محمد بن النعمان بن محمد بن منصور بن احمد بن حشوب¹ المغربي القيرواني نزيل [القاهرة امامي من المائة 15 الرابعة ولد في ثالث صفر سنة اربعين وثلثمائة بالمغرب وقدم²] القاهرة صكبة والده مع المعتز³ وناب عن اخيه على بن النعمان في اخر امره وولي⁴ العزيز استقلالاً

¹ Read حيون as in Ms. Paris 5893.² Mss. Paris 5893, 2152.³ Read المعز.⁴ Ms. Paris 5893 وولاه.

بعد موت اخيه في يوم الجمعة لسبع بقين من رجب سنة
 اربع وسبعين. وخلع عليه وقلّد سيفاً ونزل الى مصر من
 يومه في قبة على بغل لعلّة كانت به. فدخل الجامع فلم يقدر على
 الجلوس فرجع الى داره وجلس ولده عبد العزيز واولاد اخوته
 وجماعة الشهود حتّى قرى عهده في الجامع بعد صلاة الجمعة 5
 بقضاء على الديار المصريّة والاسكندريّة والحرمين واجناد الشام.
 وفوّض اليه الصلاة وعيار الفضة والذهب والموازين والمكايل
 وذكر في سجلّه ابوه واخوه واثنى عليهم. ثمّ ارسل ابن اخيه
 الحسين بن عليّ الى الجامع الحاكم¹ للحكم بين الناس وكاتب
 خلفاء النواحي. فلما كان يوم الجمعة اول جمادى الاولى سنة خمس 10
 وسبعين عقد لابنه عبد العزيز على بنت جوهر القائد في مجلس
 العزيز. وكان الصداق ثلاثة الاف دينار والشاهدان محمّد بن عبد
 الله العتقيّ وعبد الله بن محمّد [بن²] رجا. وخلع العزيز على
 الزوج وانصرف محمّد بن النعمان في جمع كثير من الخواصّ ثمّ
 قرّر ابنه عبد العزيز في نيابته وصرف ابن اخيه الحسين بن عليّ. 15
 قال المسيحي³ كان محمّد بن النعمان خبيراً بالاحكام حسن

¹ Delete; not in Mss. Paris 5892, 2152.² Mss. Paris 5893, 2152.³ Read المسيحيّ.

الاديب¹ والمعرفة بايام الناس . قال العنفي² في تأريخه امر المعز وهو بالمغرب قاض بلاده النعمان بن محمد ان يعمل له اصطربلابات فضة وان يجلس مع الصانع بعض ثقاته فاجلس النعمان ولده محمدًا . فلما فرغ توجه به الى المعز فسأله من 5 اجلست مع الصانع . قال ولدى محمد[ا] . فقال هو قاضى مصر . قال محمد بن النعمان كان المعز اذا رأى قال لولده وانا صبى هذا قاضيك قال المسيحي³ وعدل محمد بن النعمان في ايامه فحوا من ثلاثين نفساً قال المسيحي⁴ كان محمد بن النعمان خبير النظر في الاحكام تقدمت اليه امرأة طالبة زوجها بحقها فامتنع 10 من دفعه لها فسألت القاضى ان يحبسها فامر بذلك . ثم نظر اليها فوجدها جيلة وظهر عليها السرور . فلما توجه الى الحبس امر القاضى بحبسها مع زوجها فغضبت فقال لها حبسناه لحقك ونحبسك لحقه فلما تحققت ذلك افرجت عنه فلما توجهت قال القاضى رأيتها فرحت بحبسها فخشيت انها تخلص بنفسها لغيبة⁴ 15 قال وكان الوزير ابن كلس كثير المعارضة لبنى النعمان في احكامهم فاتفق ان الحسن بن الحسين بن على بن يحيى الدقاق زوج

¹ Read الادب as Ms. Paris 5893.

² Ms. Paris 5893 has العنقى . العصى .

³ Read المسبتي .

⁴ Ms. Paris 5893 زوجها لغيبة .

ولده يتيمة تعرف ببنت الديباجي باذن محمد بن النعمان في ذلك . فقام بكر بن احمد المالكي احد الشهود وادعى فساد العقد لكونها غير بالغ . وبالع في ذلك فقال ابن النعمان ثبت عندى باقرارها انها بلغت فحملت الى القصر ورفع امرها الى العزيز وكشف عنها فوجدت غير بالغ فقدم الى القاضى بفسخ⁵ النكاح فاحضر الوزير القاضى والشهود وشهدهم¹ وقال يتقدم مولانا بفسخ هذا النكاح وبالوقوف عن قبول شهادة هؤلاء الشهود . ففعل وكتب بذلك سجلاً بامضاء ذلك وفيه انه ثبت عنده انها غير بالغ . ثم بالغ الوزير في الانكار على الشهود في التساهل وكان ذلك في سلح جمادى الاولى سنة خمس وسبعين¹⁰ وامر بحفظ مال الصبية ثم ابتاع لها منه ربعا . ووقع الى محمد بن النعمان ان نصرانيا اسلم ثم ارتد وقد جاوز الثمانين فاستتيب فابى فانهى امره الى العزيز فسلمه لوالى الشرطة . وارسل الى القاضى ان يرسل اربعة من الشهود ليستتبيوه فان تاب ضمن له عنه مائة دينار وان اصر فليقتل فعرض اليه الاسلام¹⁵ فاتى بقتل . ثم اتى بتغريقه في النيل . ورفع اليه رجل من ولد عقيل بن ابى طالب زوجته ومعها ابنة لها جدها فتلطّف به

¹ Ms. Paris 5893 + وهدهم .

ابن النعمان فلم يجد فيه حيلة فانهى امره الى العزيز فامره
 بالملاعنة بينهما وكتب¹ في ذى القعدة سنة ثمان وسبعين الى
 الجامع العتيق فاجتمع الشهود ووعظ الزوج فابى الا اللعان
 فلاعن بينهما ثم فرّق بينهما . ثم استخلف ولده عبد العزيز
 5 الحكم وكان ينظر كلّ اثنين وخميس وفي أوّل سنة احدى وثمانين
 عدّل جماعة من الاشراف وفي صفر سنة اثنين وثمانين رتب رجلا
 جعفر بالجلوس في الجامع للفتوى على مذهب اهل البيت . فشغب
 عليه الفقهاء من اهل الجامع فبلغ ذلك [القاضي²] فقبض على
 بعضهم وطوّف بثلاثة منهم على الجمال . وعلت منزلة القاضي
 10 عبد العزيز وقطع النزول الى الجامع ونظر في الحكم في داره . ولم يكن
 احد يخاطبه الا بسيّدنا . فلما توفّي العزيز سكن محمّد بن
 النعمان في داره بالقاهرة ورتب ابنه عبد العزيز كلّ اثنين وخميس
 ينظر في الاحكام بمصر . قال ابن ذولاق³ ما شاهدنا لقاض
 من القضاة بنصر ما شاهدناه لحمّد بن النعمان ولا بلغنا
 15 ذلك عن قاض بالعراق . وكان مع ذلك مستحقّا لما هو فيه من
 العلم والصيانة والتحفظ والهيئة واقامة الحقّ وفيه يقول ابو عبد
 الله السمرقندي :

¹ Read as Ms. Paris 5893. وركب² Ms. Paris 5893.³ Read ذولاق .

وحبّه في قضاياه غريبٌ خطيرٌ في مفاخره جليلٌ
تألف بهجة ومضى اعتراماً كما يتألف السيف الصقيلُ
ويقضى والسود له حليفٌ ويعطى والغمام له زميلُ
إذا ركب المنابر فهو قسٌ وأن حضر المشاهد فالحليلُ

قال المسيحي¹ وله نظم كثير ليس بالقوى فمن أجوده 5

أيّاً مشبه البدر بدر السما لسبع وخمس مضت واثنين
ويا كامل الحسن في نعته شغلت فوادي واسهرت عيني
فهل لي في فيك من مطمع والّا انصرفت بخفي حنين

قال وفي ولايته رجم رجلاً خبّاراً اصاب امرأة علوية من زنا. وكان
رجمه بسوق الدواب بقرب الجامع الطولوني وذلك سنة اثنين 10
وتسعين. قال ولما حصل له التمكن الزائد وعلت رتبته لزمته
الامراض كالنقرس والقولنج وكان اكثر ايامه عليلاً. وولده عبد
العزیز ينظر في الاحكام ويسجد في دار ابيه وغيرها وكان يرجو ان
يعوده في كل خميس مع عظمة برجوان. قال وكان فيه احسان
لاتباعه مع حسن الخلق والبرّة والمركوب وكثرة الطيب 15
والمخور اذا جلس في مجلسه واذا ركب. وكان اذا اعطى عطا كثيرًا
ومجّله. وكانت وفاته وهو على القضاة في ليلة الثلاثاء الرابع من

¹ Read المسيحي

صفر سنة تسع وثمانين وثلثمائة . فركب الحاكم فصلّى عليه في
 دارة ودفنه تحت قبّتها ثم نقل بعد الى القرافة . وكانت مدّة
 ولايته اربع عشرة سنة وستّة اشهر وعشرة ايام . ووجد عليه من
 اموال اليتامى وغيرهم ستّة وثلاثون الف دينار . فامر الحاكم
 5 برجوان ان يحتاط على موجوده فارسل كاتبه ابا العلاء فهذا
 النصرانيّ فاحتاطوا عليه وشرعوا في البيع وفي تغريم الشهود
 الذين كانت الودائع تحت ايديهم . فمن احضر ورقة بخطّ
 القاضي ترك . ومن لم يحضر خطّ القاضي عزم الى ان تحصل
 قدر نصف الدين . فدفع للمستحقّين بقدر النصف . وتقدّم امر
 10 الحاكم ان لا يودع بعد ذلك عند احد من الشهود مال يتيم
 والاغائب . واقر موضع بزقان القناديل يوضع فيه المال ويختتم
 عليه اربعة من الشهود لا يفتح [الا]¹ بحضور جميعهم فاستمرّ
 الامر على ذلك مدّة . وكان محمّد بن النعمان سلّم لعبد الله
 بن احمد بن محمّد المدادى احد الشهود مال يتيم واراد
 15 الاشهاد عليه بذلك فامتنع فقال محمّد ما كان بالذى يودع
 الاشهاد فانفق انّ المدادى مات في سنة تسع وسبعين وعنده
 ودائع كثيرة فراسله يزيد بن السندیّ كاتب الحكم قبل ان

¹ Ms. Paris 5898.

يموت حتى اشهد عليه بما عنده فلما مات لم يوجد اكثر ذلك
فباع القاضي دارة بخمسة آلاف دينار فوفى بها الودائع .

fol. 40a الحسين بن علي بن النعمان بن محمد بن منصور بن
احمد بن حيّون بمهملّة وبيا اخر الحروف بمهملّة مضمونة وآخرة نون
المغربىّ الاسماعيلىّ من المائة الرابعة ولد لليلتين بقيتا من 5
ذى الحجة سنة ثلاث وخمسين وثلثمائة بالمهدية . وقدم مع ابيه
بالقاهرة وهو صغير فحفظ كتابا في الفقه ومهر الى ان صار من
ائمة السبعة . واستخلفه عمّه محمد بن النعمان بالجامع في الحكم
ثم صرفه بابنه عبد العزيز [بن] مكّمد . فلما مات مكّمد بن
النعمان اقامت مصر بغير قاضى لتسعة² عشر يوما [ف]استدعاه 10
برجران بامر الحاكم فولّاه القضا وولّى المظالم ابن عمّه عبد
العزيز بن مكّمد بن النعمان وذلك في آخر صفر او اوّل شهر
بيع الاول سنة تسع وثمانين وثلثمائة³ وحرّره المسبّحى في الثالث
والعشرين من صفر . قال فقلّده سيفاً وخلع عليه ثيابا بيضا
مقطوعة ورداء برداء وعمّيه بعمامة مذهبيين وحمله على بغلة 15
وقاد بين يديه بغلتين وحمل معه ثيابا صحيحة كثيرة . وقرى
عهده بولاية القضا بالقاهرة ومصر والاسكندرية والشام

¹ Mss. Paris 5893, 2152.

² Mss. Paris 5893, 2152 تسعة .

³ Ms. Paris 2152.

والحرمين والمغرب واعمال ذلك وهو قائم على قدميه . واضيفت اليه الصلاة والحسبة . فركب الى الجامع ووقف عن قبول جماعة من¹ شهود عمه² وعدّتهم اربعة عشر [نفسا]³ والمسبّحي اسماهم . ثم قتلهم بعد مدّة شهر . واستخلف على الحكم الحسين بن محمّد 5 بن طاهر بمصر وبالقاهرة مالك بن سعيد الفارقي واقام النعمان اخاه في المنظر في العبدان⁴ فاضاف اليه قضا الاسكندرية وعلى الفروض احمد بن محمّد بن العوّام . والزّم من ينظر في مال الايقام بعمل الحسابات.⁵

فبينما هو في ثامن صفر سنة احدى وتسعين جالسا في 10 الجامع بمصر يقرأ عليه الفقه اقيمت الصلاة صلاة العصر فدخل فيها اذ هجم عليه مغربي اندلست فضربه ضربين بمنجل تقاص في وجهه ورأسه فامسك الرجل فقتل وصدب . وصار من ذلك اليوم يكرسه عشرون رجلا بالسلاح . وذكر المسبّحي في تأريخه ذلك في حوادث سنة ثلاث وتسعين في ثاني الحرّم . واقام القاضي 15 الى ان اندمل جرحه فركب الى الحاكم فخلع عليه وحمله على دجلة وقاد بين يديه اخرى . وان الحسين هذا جرح وهو راع

¹ Ms. ممن .

² On margin النعمان ; in Ms. 2152 as a correction in the author's hand.

³ Ms. Paris 5893.

⁴ Ms. Paris 5893 المعيار .

⁵ Ms. Paris 5893 الحسابات .

في صلاة العصر . وكان اذا صلى بصف خلفه الحرس بالسيوف حتى يفرغ فيصلّون هم حينئذ .

قال المسبّحي وهو أول قاضي فعل معه ذلك . وكان الحاكم قد امر ان يضعف للحسين ارزاق عمّه وصلاته واقطاعاته وشرط عليه ان يتعرّض من اموال الرعيّة للدرهم فيما فوقه . وخلع 5 عليه وقتله سيفاً وحمله على بغلة وفوّض اليه الحكم بجميع المملكة وكذلك الخطابة والامامة بالمساجد الجامعة والنظر عليها وعلى غيرها من المساجد وولاه مشاركة دار الضرب والدعوة وقرأة المجالس بالعصر وكتابتها . وهو أول من اضيفت اليه الدعوة من قضاة العبيديين . وكان الناس يظنون انه لا يتولّى القضا 10 لضعف حاله وان الولاية انما هي لعبد العزيز بن محمّد [ابن] 1 عمّه لما كان ابوه قدّمه في الحكم في حياته وهذبه ودرّبه . ثم رفع جماعة من الناس انّ لهم ودائع مودعة في الديوان الحكمي فاحضر القاضي ابن عمّه عبد العزيز بن محمّد بن النعمان وكاتب عمّه ابا طاهر بن المسندّي وسألهما عن ذلك . فذكر ان 15 عمّه تصرّف في ذلك كلّه على سبيل القرض . فانكر عليهما ذلك واشتدّ في المطالبة وولّى استنفاع حسابهم فهد بن ابراهيم النصرائيّ كاتب برجوان [فوكّل بهم] 2 . وفتش عليهم والزّم عبد

1 Ms. Paris 2152.

2 Ms. Paris 5893.

العزیز ببيع ما خلفه ابوه . فباع الموجود فتحصل منه سبعة الاف دينار وزيادة . وحصل الكاتب قدرها مرتين . فاستدعى القاضى وهو جالس بالقصر اصحاب الحقوق فوافاهم حقوقهم وقرر فى رفاق القناديل موضعا للودائع الحكيمية واقام فيه خمسة من الشهود 5 يضبطون ما يحضر ويعرف . وهو اول من افرد للمودع الحكيمى مكانا معينا . وكانت الاموال قبل ذلك تودع عند القضاة او امنائهم . وباشر الحسين بصرامة ومهابة . وهو اول من كتب فى سجله قاضى القضاة وابوه اول من خطب بها من قضاة مصر . وتقدم اليه الحسن المغربى خصومة فزل لسانه بشيء خاطب 10 به القاضى فاغضبه فارسل الى والى الشرطة¹ فضربه بالف درة وثمانى مائة درة بحضرة حاجب القاضى وطيف به فمات من يومه واخرجت جنازته فحضرها اكثر اهل البلد وكرموا قبره والدعا له وعلى من ظلمه . وندم القاضى على ما فعل وفاته الندم .

15 فلما كان فى رجب سنة ثلاث وتسعين اذن الحاكم لعبد العزيز بن مكهد ان يسمع الدعوى والبينة مع استمرار الحسين على وظائفه . فرتب عبد العزيز له شهودا يحضرون مجلسه وشرط عليهم ان لا يحضروا مجلس ابن عمه فبقى الناس فى

¹ Ms. الشرط .

امر مريج . فمن رفع قصّة الى الحسين رفع عزيمة قصّة الى عبد العزيز واذا حضر عبد العزيز الى الجامع تخلو دار الحسين فكثير الكلام في ذلك والخوض فيه¹ . فكتب الحاكم بخطّه سجلاً بأنّه لم ياذن لغير الحسين ان يشارك الحسين فيما فوّض اليه وامر بان يمنع من يسجّل على غيره في شيء من الاحكام [fol. 40b] وان من 5 دعا احدا من الخصوم وكان قد سبق الى الحسين ان لا يمكن احدا منه . وقرى هذا السجّل على الملاء وانشرح خاطر القاضى بذلك . ولم يزل على جلالته حتّى افترط في مجاوزة الحدّ في التعاطم . والزم الشهود بحضور مجلسه في داره وبالجامع ومن غاب منهم لزمه جعل حيّد يوخذ منه . وكان يتتبع قراءة من يسجّل عليه 10 عنده قبل ان يشهد به على نفسه .

وكان مع ذلك كثير الافضال على اهل العلم والادب² في الثبوت ولهم عليه جرايات من القمح والشعير مشاهدة غيرها ويصلهم بالملابس وغير ذلك الى ان خرج امر الحاكم بصرفه عن الحكم في شهر رمضان سنة اربع وتسعين . فلم يشعر وهو 15 بداراه حتّى دخل عليه من اعلمه بان ابن عمّه عبد العزيز ولّى القضا . فانكر ذلك الى ان تحقّقه فاغلق باباه ولزم بيته واشتدّ

¹ Ms. Paris 5893 منه .

² Ms. Paris 5893 for الثبوت has في الثبوت .

خوفه الى ان كان فى السادس من الحزرم فامر الحاكم فاحضر على حمار نهارا وامر بحبسها الى اول سنة خمس وتسعين . فضربت عنقه هو وابو الطاهر المغارلى وموذن القصر واحرقت جثة الثلاثة عند باب الفتوح . وكان مما انكره¹ الحاكم قصة الرجل الذى ضربه والى الشرطة فمات كما تقدم .

وقد ذكر ابراهيم بن الرقيق فى تاريخ افریقیة قصة الحسين هذا مع الحاكم فقال ما نصه وقتل الحاكم قاضيه حسين بن على النعمان فاحرقه بالنار . قالوا وكان من اسباب قتله ان الحاكم كان قد ملأ عينه وبده وشرط عليه العقة عن اموال الناس .¹⁰ فرفع الى الحاكم شخص متظلم رقة يذكر فيها ان اياه مات وترك له عشرون الف دينار . وانها كانت فى ديوان القاضى حسين وكان ينفق عليه منها مدة معلومة فحضر يطلب من ماله شيئا . فاعلمه القاضى ان الذى له نقد . فاستدعى الحاكم بالقاضى فيرفع اليه الرقة فاجابه بما قال الرجل وان الذى خلفه ابوه استوفاه فى نفقته . فامر الحاكم باحضار ديوان القاضى فى الحال . فاحضر ففتش فيه عن مال الرجل فظهر انه انما وصل الى القليل منه . ووجد اكثره باقى . فعدد على القاضى ما رتبة واجراه عليه واكرامه اياه وما شرط عليه من عدم

التعوض¹ لاموال الرعية². فجذع³ وهاله وقال العفو واتوب. وانصرف
بالرجل فذفع اليه ما له واشهد عليه. فحقد الحاكم عليه ذلك
فامر به فحبس. ثم اخرج بعد ذلك على حمار ذهارا والناس
ينظرون الى ان ساروا به الى المنطرة فضربت عنقه واحرقت
جثته. وكانت مدة ولايته القضا خمس سنين وسبعة اشهر واحد⁵
عشر يوما. قال المسبكي لاعن بين رجل سكرى وامراته في
الجامع العتيق ولم يسبق لذلك يعنى في دولة العبيديين. قال
واقطع الحاكم القاضي المذكور دارا بالقرب من الخليج الحاكمي
فكان في ايام النيل يركب في [blank]³ الى هذه الدار ويساير
الشهود على دوابهم في البئر. ثم يركب منها الى القصر ثم يعود¹⁰
اليها ثم يرجع الى سكنه بالدار الحمراء.

fol. 73a. عبد العزيز بن محمد بن النعمان بن محمد بن

المنصور بن احمد بن حيون المغربي القيرواني اسماعيلي
من المائة الرابعة ولد في اول ربيع الاول سنة خمس وخمسين
وثلاثمائة. وكانت ولايته القضا في يوم الخميس السادس عشر من¹⁵
رمضان سنة اربع وتسعين وثلاثمائة واضيف اليه المظر في
المظالم وخلعت عليه الخلع على العادة وحمل على بغلة وقيدت

¹ Ms. Paris 5893 التعرض.

² Ms. Paris 5893 فجزع.

³ Ms. Paris 5893 عازمي.

بين يديه ثنتان وحمل بين يديه سبط ثياب ودخل الى الجامع
فحضر في موكب حفل وقرى تقليد على المنبر . وكان اول
احكامه انه اوقف لجميع الشهود الذين قبلهم عمه الحسين ما
عدا شرف بن محمد المقرئ فانه استكتبه في التوقيع والقصص .
5 وكتب له في الاجمال عليه قاضى القضاة عبد العزيز قاضى عبد
الله ووليه منصور ابي على الامام الحاكم امير المؤمنين صلوات
الله عليه وعلى ابائه الطاهرين على القاهرة المعزية ومصر
والاسكندرية والحرمين واجناد الشام والرحبة والركة والمغرب
واعمالها وما فتحه الله وما يسر فتحه لامير المؤمنين [من
10 بلدان المشرق والمغرب¹]

² واستخلف عبد العزيز في الحكم مالك ابن سعيد الفارقي
وابن ابي العوام في العرض ولازم الشهود الذين لم يقبلهم
بابه . فارسل اليهم انه قد كثر نظار حكم على ويشفعكم في
قبول الشهادة . فيلزم كل واحد منكم شغله فمن احتجت
15 الى شهادته منكم اتعدت اليه فانصرفوا عنه .

¹ Ms. Paris 5893, 2152. At this point there follows, in the Paris. Ms. 2149, a portion of Ibn Hajar's biography of 'Abd ar-Rahmān ibn 'Umar al-Bulḡinī, † 824 A.H., which has been accidentally misplaced.

² The following up to p. 260, line 13, is taken from Ms. Paris 5893.

فلما كان في السابع عشر من ذي القعدة طلبهم واستخلفهم
 أنّهم ما كانوا سعوا في طلب الشهادة عند عمّه ولا رشده
 ولا عدوا له فحلفوا على ذلك فقبلهم. واصعد الحاكم عبد
 العزيز معه¹ على المنبر في الجمع والاعياد على عادة من
 تقدّمه وامتدّت يده في الاحكام وعلت منزلته وجلس في⁵
 الجامع وابتدأ في كتاب جدّه اختلاف اصول المذاهب. وفي
 ولايته فوض الحاكم اليه النظر على دار العلم التي انشأها.
 وكان الحاكم بناها واتقنها وجعل فيها من كتب العلوم
 شيئا كثيرا واباحها للفقهاء وان يجلسوا فيها بحسب اختلاف
 اعراضهم من نسخ ومطالعة وقراءة بعد ان فرشت وعلقت¹⁰
 الستور على ابوابها ورتب فيها الخدام² والقرّشة. ويخصّص
 عبد العزيز هذا لمجالسة³ الحاكم ومسايرته فاجتاج القاضي
 الى الاذن لولده القاسم الاكبر في الحكم بالجامع. وكان
 يجلس فيه لسماع الاحكام والفصل بين الخصوم وصار الناس
 يتردّدون في امورهم⁴ منه الى ابيه ومن ابيه اليه وامر ولده¹⁵

¹ Above the word ٢, referring to the marginal note ٢. Does this mean "delete!"?

² Ms. Paris 2152 الخدم. ³ Ms. Paris 5893 مجالسة.

⁴ Ms. Paris 2152 من امورهم الى ابيه.

الاصغر ان يثبت كتب الناس ويفصل بينهم في مجلس حكم
 بمنزله. وفوض اليه الحاكم ايضا النظر في تركة ابن عمه
 حسين بن علي بن النعمان بعد قتله. فتسلّم جميع ما
 وجد له. وكذا فعل في تركة ابي منصور الجوزي¹ وهو من
 5 كبار دولته وقدمه في الصلاة على جماعة من اوليائهم²
 جرت العادة بانه لا يصلى عليهم الا الخليفة. وامره في يوم
 عاشورا ان يمنع النساء والناس من المرور في الشوارع. وكانت
 سنّتهم انهم في يوم عاشورا يخرجون النساء وغيرهن للنوح
 والبكاء على الحسين وينشدون المراثي³ في الشوارع وتمدّ
 10 الغاغة ايديهم الى امتعة الباعة. فرفعوا ذلك الى الحاكم
 فامر القاضي بمنعهم من المرور في الشوارع وان يختصّ النوح
 والنشيد بالصكراء. واتفق انّ بعض الكتاميّين كان عنده
 حقّ فامتنع من ادائه وكان عنده سنة باس وتخّفه فرفع
 امره الى القاضي فانفذ اليه رسولا فاهانته. فرفع الامر
 15 للحاكم فامر باحضار الكتاميّ مسجوبا الى القاضي بمصر.
 ثم احضر الى القاهرة ماشيا والزم بالخروج ممّا عليه. وامره
 الحاكم بالنظر في المساجد وبنقد اوقافها وجمع الربع وصرفه

¹ Ms. Paris 5893 الجوزي. ² Ib. اوليائه. ³ Ib. المراثي.

في وجوهه ففعل ذلك وبالع فيه واغرد لذلك شاهدين يضبطانه .
 وزوج القاضي ولديه بابنتي القائد فضل بن صالح وكان
 الاملاك بالقصر على صدأف اربعة الاف دينار انعم الحاكم
 بها من بيت المال . فخلع عليهما¹ ثوبان مفضلات وستة
 عشر قطعة من الثياب الملفوفة وحملوا على بغلتين⁵
 مسروجتين وقيد بين يديهما² مثل ذلك . ويصلب القاضي
 في احكامه وارتفعت كلمته ويفرز على³ جميع اهل الدولة .
 وتقدم الى جميع الشهود ان من يخلو عن البكرة الى حضور
 المجلس كل اثنين وخميس الزم بمغرم ثقيل . وسأله خليفته
 في الحكم مالك بن سعيد ان يستخلف الخليل بن الحسن¹⁰
 بن الخليل عنه ان اطرفه امر يمنعه⁴ من الركوب او التوجه
 الى مجلس الحكم . فاذن له ولم يعهد ذلك لغيره ان النائب
 يستنيب عنه في المدينة .⁵ وذكر المسبكي في تأريخه في
 حوادث سنة سبع وتسعين وثلاثمائة ما حاصله ان علي
 ابن سليمان المنجم وكان من خواص قائد القواد الحسين⁷ 15

¹ عليها 5893 ; فخلع عليهما مفضلات Ms. Paris 2152 .

² يديها Ms. Paris 5893 .

³ Ms. Paris 2152 في .

⁴ Ms. Paris 5893 منعه .

⁵ From here on the text is from Ms. Paris 2149, compared with 5893 and 2152.

⁶ The reading of 5893 and 2152; Ms. 2149 has المنجم ابن اسماعيل .

⁷ Ms. 2149 بن حسين .

ابن جوهر اخبره ان القاضي زار الحسين بن جوهر القائد
 في داره¹ [في] يوم احد من صيام النصارى وكان عنده ابو
 الحسن الرسى والمنجم² ومن يخدمهم فدخل الغلام فقال
 ابو يعقوب بن قسطاس الطبيب بالبواب فاذن له فدخل وهم
 5 على المائدة فاطهر السرور به واحضر له عدة الوان ثم
 رفعت المائدة وقدم الشراب وما يلائمه من الفاكهة والمشوم³
 فاقبلوا على عملهم الى ان سكروا. فاما القاضي فانصرف
 ونام القائد والرسى واستمر ابو يعقوب الطبيب بالطارمة التي
 كان بناها في ذلك المكان وهي تطلّ على نهر كبير يشرب
 10 ويطرب الى ان غلب عليه السكر. فخرج وطلب بغلته
 فقدمت له بغلة الرسى فامتنع من ركوبها فسأله الخدم ان
 يعود الى مكانه الى ان تحضر بغلته فرجع الى المكان الذي
 فيه الرسى فنام الى جانبه فقام احد الفرّاشين فرفع الستارة
 يتفقدّهما. فرأى الرسى فلم ير ابا يعقوب فدخل وتطلبه
 15 فلمح طرف ثوبه في الماء فاستدعى فرأشا يعرف السباحة
 فنزل الى النهر فوجده قد التقت ثيابه على وجهه فغطس
 في الماء. فاعلم الخدم القائد فاستدعى القاضي وابنه⁴ الرسى

. والمشروب Ms. Paris 5893². والمسبكي³ Mss. 2149, 5893². > Ib.¹

. وانتبه Ibid.⁴

وشق عليهم ذلك لعلمهم بمنزلته من الحاكم. فسألوني ان اعلم الحاكم بذلك فدخلت اليه فذكرت له ان ابا يعقوب قام من الليل وهو دهش فسقط في النهر فالى ان يصل اليه القراش وجده قد التّف في ثيابه فغطس فشق عليه واظهر الاسف وبُحث عن الامر فعرفوه بصورة الحال فهزّ راسه. 5 فاذا بالقائد والقاضي والرسى قد وصلوا الى القصر مشاة بعبائم لطاف فاستدعاهم فحلفوا واكدوا له الايمان ان¹ كان لهم في شأنه شيء واستشهدا القائد والقاضي بالرسى فشهد لهما بالبراءة من ذلك فامر بتكفينه ودفنه. وكان ذلك في اواخر سنة سبع وتسعين.

10

فلما كان في يوم الخميس النصف من شهر رجب سنة ثمان وتسعين شاع بين الناس ان عبد العزيز القاضي عزل وقرّر خليفته مالك بن سعيد فارتفع النهار ولم ينزل الى مجلس الحكم الى قرب² الظهر. ثم نزل وحكم وصلى للناس الظهر الى ان انصرف بمفرده من غير حاجب ولا ركابي¹⁵ حتى دخل دارة. فلما كان اخر النهار طاف جماعة على³ جميع اولياء الدولة بان⁴ اجتمعوا بالقصر بكرة فحضروا

ان Ibid⁴. في Ms. Paris 2152³. قريب Ibid². بان Ibid¹.

فحضر مالك بن سعيد فقلد جميع ما كان بيد¹ عبد العزيز وكانت مدّة ولايته ثلاث سنين وتسعة اشهر وثمانية وعشرين يوما.

قال المستبحيّ عزل عبد العزيز في ايام نظرة في المظالم 5 ثلاثة عشر نفسا وفي ايام قضائه نافرين واستمرّ عبد العزيز بعد عزله يتردّد الى القصر خاليا² يتربّص القتل الى ان كان الحادى عشر من جمادى الاخرة سنة تسع وتسعين ركب القائد حسين بن جوهر والقاضي على عادتهما فسلما وانصرفا فارسل اليهما فحضر عبد العزيز أولا فاعتقل 10 ورجع خادمه ببغلته واختفى القائد ولده فكسر بابه وحرّض الحاكم على تحصيله فتعدّر³ عليه فامر باطلاق عبد العزيز فرجع الى منزله وقد اقاموا عليه العزاء فسكتهم وكان الباعة قد اغلقوا حوانيتهم فامرهم بفتحها. ثم بعد ثلاثة ايام حضر القائد بالامان فخلع عليه وعلى عبد العزيز خلعا 15 سنينة وحملت قدامهما ثياب كثيرة وحملوا على فرسين وقيدت بين ايديهما عدّة خيول واعاد الحاكم النظر في المظالم الى القاضي عبد العزيز وقرئ سجّله وخلع عليه خلعا مقطوعة

¹ Ms. Paris 5893 بيد.

² Ibid خائفا.

³ Ms. Paris 2149 فتعدّل.

وطيلسان¹ وحمل على بغلة وبين يديه اخرى وحمل بين يديه سبط ثياب فاستمرّ في تاسع عشر صفر سنة اربع مائة. ثم قبض على اقطاعه وضرب على باب داره لوح باسم الديوان . وفي اواخر رمضان اعرس ولدى القاضى بابنتى القائد التى تقدّم عقدهما عليها .

فلما كان اخر المحرم سنة احدى واربع مائة استشعر القاضى والقائد من الحاكم الغدر منهما . فلما كان في التاسع من صفر هرب القاضى وقائد القواد حسين بن جوهر واتباعهما وصحبتهما جماعة ومعهما من الاموال شيء كثير وتوجّهوا على طريق دجوة . فلما بلغ الحاكم ذلك ختم¹⁰ على دورهما . وامر مالك بن سعيد الفارقي بالركوب الى دار القاضى وحسين وضبط ما فيها وحمله فلم يزل القاضى والقائد مستترين الى السادس من المحرم سنة احدى واربع مائة فظهرا وكتب لهما الامان من الحاكم وخلع عليهما فلارما الخدمة الى ان كان يوم الجمعة ثاني عشر جمادى¹⁵ الاخرة منها حضرا الخدمة وانصرفا . فارسل اليهما في الحال فرجعا فقتل كلا منهما جماعة من الاتراك في الدهليز وختم

وطيلسانا ؟¹

في الحال علي دورهما وذهب دمه¹ هدرًا واحيط علي دورهما في الوقت وقبض علي كثير من اتباعهما وصودروا .

وكان عبد العزيز عالما بالفقه علي مذهب الامامية كال بيته ولا سيما جدّه وقد نسب اليه الشيخ عماد الدين 5 ابن² كثير الكتاب المسمى البلاغ الاكبر والناموس³ الاعظم في اصول الدين وروهم في ذلك وانما هو تصنيف ابيه علي والده⁴ النعمان . قال ابن كثير وقد ردّ علي هذا الكتاب القاضي ابو بكر الباقلاني . قال ابن كثير وفيه من الكفر ما لا يصل ابليس مثله كذا قال .

10 قاسم بن عبد العزيز بن محمّد بن النعمان المغربي الاصل امامي من المائة الخامسة يكنى ابا محمّد ولّي بعد ابن ابي العوّام في يوم الاحد رابع جمادى الاولى سنة ثمانى عشرة وقرى سجلّه بالقصر وبالجامع بمصر ولقب قاضي القضاة ثقة الدولة امين الائمة شرف الاحكام وجلال الاسلام فباشرها الي 15 ان عزل في [يوم الاحد الخمس والعشرين من] ⁵ رجب سنة تسع عشرة وكانت مدّته سنة وشهرين وايامًا وهذه

¹ دمه¹ ؟

² Ms. Paris 5893 >.

³ Ibid والقاموس .

⁴ Ibid والده .

⁵ Ms. Paris 5893, 2152.

الولاية الاولى . واستقرّ عوضه عبد الحاكم بن سعيد بن مالك الفارقيّ . ثم اعيد قاسم في السادس من ذى القعدة سنة سبع وعشرين فنظر في الاحكام والمظالم والدعوة واستخلف في هذه الولاية القضاعيّ فتاب عنه في هذه الولاية الثانية . ولم يكن قاسم محمود السيرة لكنّه طالّت مدّته الى ان صرف⁵ في المحرّم سنة احد واربعين واربعمئة وكانت ولايته الثانية ثلاث عشرة سنة وشهرا واربعة ايام وقد تقدّم ذكر الابيات التي هجى بها هو وابن عبد الحاكم الفارقيّ . (ابو القسم) بن محمد بن النعمان هو ابن عبد العزيز المذكور قبله .

V. THE ARABIC TEXT OF AHMAD IBN SA'D AL-GHUMRI FROM THE PARIS MS. No. 1850, fol. 201b.

10 قضاة الدولة العبيديّة .

في حكمة دخلت بنو عبيد لمصر بالقضاة كلّ زميد
عام ثمان بعد خمسين سنة من بعد ثلاثمئة معيّنة
وابطلوا قضاتها السنيّة وحكموا قضاتها الشيعيّة
وكان قاضي واحد ببصر يدعونه قاضي القضاة المصريّ
مجتهدا او مالكيّ او حنفيّ او شافعيّ في حكمة لم يحف¹⁵
جعلوا بمصر اربعا من القضاة اولها فالمالكي في قضاة
ثاني نصيريّ ثالث اماميّ ورابع اسماعيليّ للاحكام

أوّل من جلس في مصر القضاة اربعةً كلّ دعي قاضي القضاة
 ودولة القضاء من شيعةهم سبعون مذهب الى دولتهم
 أوّل قضا قضاة مصر داني منهم على ولد النعمان
 ثمانى السنين للشيعة وخمسة الاشهر في المروى
 5 محمّد احوه اعوام اربعة وثلاثى العام بمصر ذو سعة
 وكان دا مذهب اسماعيلي خالف السنة والتاويل
 وابن اخى الحسين هو ابن لعلّى خمسة اعوام ونصفا ابتلى
 بالضرب والتجريح في مصر قتل وجسمه حرق بنار تشتعل
 وكان ذا أوّل قاضي قتلا بمصر والجسم لنار يُصلى
 10 تولى ابو القاسم هو عبد العزيز اربعة ايام وشهر الاعزيز
 أوّل قاض بالسيوف قد حُرس خفا ومنها صار دمه منبجس
 وأوّل القضاة في مصر افردا مكان للمودع فيه اقعدا
 ومالك بن سعيد لهو الفارقي سبع سنين دون سدس قد بقى
 ذا امره الحاكم قال اكتُبَا سبّا لاصحاب النبى المجتبى
 15 محمّد في سائر الجوامع والسوق والخانات والمجامع
 فقام قد كتب الترضى عنهم ولعنة الله لمن يبغضهم
 اذا بلغ الحاكم ذا له صلب وضربه وعنقه فوراً ضرب
 وقتل معه حمزة نائبه على القضا لانه صاحبه

ولى احمد ابن محمّد العوّام ثلاث عشر عام فيه سامى
 تنقص منها اربعون يوما ولم يخافوا ان عزلوه لوما
 وابن عبد العزيز قاسم ثلاثة اشهر ونصف حاكم
 وابن سعيد الفارقى عبد الحكم تسعة اعوام وربعا وانقص
 عاد له قاسم تمّ عاما وبعده من القضاة قاسم⁵
 ونجل يحيى واسمه يحيى الشهابى عشرة اعوام وسدسا للمهاب
 وزيد فى القابة قاضى القضاة كذا امير الامراء داعى الدعاة
 بل شرف الحكام ثقة الدولة والامراء يسمعون قوله
 محمّد ابن سلامة القضاى اقام عامه بلا نزاع
 عاد له قاسم وهى الثالث اقام عاما ذاهبا بالباعثة¹⁰
 وكان ليس ضابطا احكامه خلع وبالسيف فغلقوا هامه
 محمّد اليزورى وهو ابو الحسن قاضى وزير سبعة اعوام حسن
 اول قاضى قدّولى الوزارة مع القضاة ببصر للاشارة
 بها وبالقضاء اخلعوا عليه اول قاضى جمعا اليه
 واول القضاة والوزر اقتل ببصر فى دمه فصار منجلد¹⁵

III. THE TEXT OF IBN HAJAR IN TRANSLATION.

[p. 238] Al-Nu'mān ibn Muḥammad ibn Maṣṣūr ibn Aḥmad ibn Ḥayyūn' al-Ismā'īlī al-Maghribī, called Abū Ḥanīfa. His genealogy has been given in the account of his son 'Alī. He came to Egypt in company with Al-Mu'izz from the Maghrib. He acted as cadi in the army of al-Mu'izz;¹ but the latter allowed Abū Ṭāhir to remain in his position. The first appointment given to al-Nu'mān was to pronounce judgment in the case of the domain which Muḥammad ibn 'Alī al-Mādhara'i had made a waḳf. This he had sold to pay a debt, and 'Umar ibn al-Ḥasan al-'Abbāsī had bought it. The sons of this one then sold it to Faraj al-Ḥakamī. Aḥmad ibn Ibrāhīm ibn Ḥammād asserted that it was waḳf. The matter came before al-Khaṣ-ṣībī, who adjudged the property to be a waḳf, [p. 239, 1.] This judgment was then brought to Abū Ṭāhir, who ratified it; but Faraj al-Ḥakamī² appealed (from the judgment) to al-Mu'izz, who commanded al-Nu'mān ibn Muḥammad to look into the matter. Al-Nu'mān caused the testimony that had been given to Abū Ṭāhir to be laid before him according to the contents of the book, i. e. the book containing the waḳfs. Al-Ḥusain ibn Kahmash and 'Abd al-'Azīz ibn A'yan testified to the statements made before Abū Ṭāhir and mentioned above. Death, however, overtook al-Nu'mān before the case could be finished. He died on the . . . ³. He lived in Miṣr, but went every morning from there to al-Kāhira.

Abū Ṭāhir remained in his position; but al-Mu'izz gave him as assistant 'Alī ibn al-Nu'mān, who rendered judgment in the Jāmi' al-'Atīk⁴ also after the death of al-Mu'izz. Al-'Azīz gave 'Alī ibn al-Nu'mān ibn Muḥammad jurisdiction over the mint

¹ Not Ḥayyān, as Brockelmann, *l. c.*, vol. i, p. 187, has.

² It was customary for the cadi to accompany an army in order to decide any case that might arise; see, e. g., al-Maḳrīzī in Blochet, *Rev. de l'Or. Latin*, vol. ix, p. 188.

³ The Mss. have التخبی ; I have ventured to read الحکی ; al-Dhabī, *Al-Tanbīh*, p. 188.

⁴ Mss. 2149 and 5893 have here a sign that looks like the Arabic numeral 11; but it may merely indicate a blank in the original. Ms. 2152 has, in fact, such a blank space. Ibn Khallikān says "the first of Rajab."

⁵ I. e., the mosque of 'Amr ibn al-'Āṣī, the oldest one in Fuṣṭāṭ.

and the mosque.¹ Thereupon he came to the mosque and decided cases. Abū Ṭāhir was present in his own majlis and gave judgment there as was his custom. Many notaries, lawyers and merchants were there also who brought their cases before Abū Ṭāhir. These were conducted to the chief of police, who imprisoned them. 'Alī ibn al-Nu'mān interceded for them and they were allowed to go free. Abū Ṭāhir continued the custom of sitting in the mosque; his health was good until he took cold and his side was lamed; he became also too weak to move around unless carried. One day at the beginning of Ṣafar 366 al-'Azīz was out riding, and Abū Ṭāhir, having been carried [p. 240, 1] near to the Bāb al-Diyāfa, met him. Abū Ṭāhir asked al-'Azīz to give his own son Abū al-'Alā al-Ṭāhir permission to act as his substitute, on account of his own weakness. But al-Mu'izz² answered: "There is nothing left but to dismiss him." Three days afterwards he deposed Abū Ṭāhir and appointed 'Alī ibn al-Nu'mān, as is related in the history of that man.

'Alī ibn al-Nu'mān, ibn Muḥammad ibn Maṣṣūr ibn Aḥmad ibn Ḥayyūn al-Maghribī al-Ḳairuānī al-Ismā'īlī, of the 4th century, was born in Rajab 328, and came with al-Mu'izz from al-Maghrib, and was ordered by him to preside as judge. He and Abū Ṭāhir acted in that capacity, the witnesses testifying before both; but the confrontation of the witnesses took place before Abū Ṭāhir.³ When al-Mu'izz died, the jurisdiction over the mint and over the two mosques was given to 'Alī ibn al-Nu'mān. He came to the Jāmi' al-'Atīk, and held judgment there. But Abū Ṭāhir continued to hold court in the Jāmi' and he discharged some men.⁴ However, he became partially lamed, and

¹ This ought probably to be "the two mosques"—as was the case with his son 'Alī, and as Ibn Khallikān says.

² All the texts have "al-Mu'izz." It must be "al-'Azīz." De Slane translates "to make cat's meat of." See his note to Ibn Khallikān, vol. iii, p. 573.

³ I imagine that this is the meaning of the phrase *وعندهما والاجتماع عند أبي الطاهر*.

⁴ This might be the translation of the reading in Ms. 2149. Another possibility is the reading *وعدل الجماعة* "and to arbitrate [in] the assembly."

al-Mu'izz turned over the (whole) office to Abū 'Alī ibn al-Nu'mān, two days before the end of Šafar 366. Abū 'Alī then rode together with a large multitude to the Jāmi' al-Azhar, being clothed with the robe of office.² He was invested with the sword, and before him were placed robes in covers to the number of seventeen.³ [p. 241, 1] His patent was read in the jāmi' while he stood upright. Whenever the name of al-Mu'izz was mentioned, or the name of one of his family, he gave a sign that all should bow low.⁴ Then he went to the Jāmi' al-'Atīk in Miṣr and found the preacher, 'Abd al-Samīh, awaiting him in the jāmi'. The time had already come for him to go out. He then read the Friday prayers, and his brother Muḥammad published his diploma. In this, it was stated that he was appointed cadi over Egypt and its dependencies, preacher, Imām, inspector of gold and silver, of weights and measures. Whereon he returned to his house, and there came to him a multitude of notaries, claimants, merchants, and the chief men of the land. No one kept away from him. In his patent it was said: "When one of the parties to a suit brings a case before thee and the

¹ So the Mss.; delete.

² The khil'a of the cadi was made of wool, without any border; generally of white, the inside being of green (Quatremère, *l. c.*, vol. ii, part 2, note 73). Al-Jauhar, when he came to Egypt, ordered the preachers to wear white, evidently an anti-'Abbāsīd practice. See Ibn Khallikān, vol. i, p. 344; JA. 1836, 3, p. 51, Abū-l-Maḥāsīn, ii, 408. The Alid colour was in reality green; but the Carmathians, also, adopted white. See de Goeje, *Mémoire sur les Carmathes du Bahreïn*, Leiden, 1886, p. 179. These garments were part of the insignia of office, and are even called خَلْعَة Dozy, *Dictionnaire . . . des noms des vêtements*, p. 14. They

were probably kept in the خزانة الكسوف, which was a separate department in the caliph's palace. See al-Kalkashandī, *l. c.*, p. 175. Abū Yūsuf al-Anṣārī (see p. 230, note 4) is said by Ibn Khallikān to have been the first to give a distinctive dress to the learned (Ibn Khallikān, vol. iv, p. 273).

³ These numerous robes had probably no further significance; they were nothing more than presents.

⁴ The text has ما=ومى i. e. $\sqrt{\text{أومى}}$ "indicavit aliquem." See Dozy, vol. ii, p. 844; de Goeje in the glossary to al-Tabarī, p. DXLVIII. Al-Hākīm ordered the people to stand up at the mention of his name. Ibn Iyās, *Ta'rikh Miṣr*, p. 53.

other party brings it before some one else, do thou cause the two to come to thee." He knew that this had reference to his withholding cases from Abū Ṭāhir. From that day he did so withhold cases from Abū Ṭāhir.

Upon the third day after his appointment 'Alī ibn al-Nu'mān rode to the Jāmi' al-'Atīk, with a red basket before him.¹ He took his station where the people were sitting in rows near the Ḥal-ḳat al-Zawāl.² There came to him the notaries, the officials, the lawyers and merchants—a very great multitude. He acted as judge for the people, addressed the agents, and read to them the Sura "al-'Aṣr"³ impressing upon them the fear of God. He then asked for the notaries and for the cadī, Abū Ṭāhir. Al-Ḥusain ibn Kahmash, the chief notary at that time, said: "He is still in office." Ali replied, "Let him give judgments in his own house and not sit in the mosque." Abū Ṭāhir heard of this; he discharged the lawyers and he was practically deprived of his functions. Some people, however, interested themselves in Abū Ṭāhir, [p. 242, 1] and procured an edict to the effect that he might still act as judge. The notaries were collected and the edict read to them. This intended action coming to the ears of Abū Ṭāhir, he forbade it, saying: "What can I do? All my strength is gone." Al Ḥusain ibn Kahmash answered him: "May God recompense the cadī." 'Alī ibn al-Nu'mān desisted from demanding the dīwān al-ḥikm; and did not ask or demand it further—[thus showing] his good manners and his kind actions. When Abū Ṭāhir desisted, 'Alī ibn al-Nu'mān had a free hand in his jurisdiction.

¹ I do not know to what this refers. Al-Shirāzī speaks of a قَبْطَرٌ (κάμπτρα) being placed in front of the cadī, while he is holding court (*al-Tambih*, p. 315, 10; cf. 321, 5, 8). Does the text here refer to this?

² وجلس في مجلس الصف عند حلقة الزوال. I am afraid that there are some technical terms here which I do not understand. حلقة may mean "the enclosure" of a building or a gathering of students around a professor who is teaching them, or even the hall where such teaching is given (see Quatremère, *Histoire des sultans Mamlouks*, vol. i, part 2, p. 197). زوال may mean "the afternoon." "And he took his seat in the Majlis al-Ṣaff at the afternoon assembly."

³ Sura 103.

‘Alī then appointed his brother Muḥammad and al-Ḥasan ibn Khalīl the Shāfi‘ite jurist; the latter with the special provision that he was to deliver judgments according to the Ismā‘īlī rite, not according to the Shāfi‘ite. This latter was accustomed to sit in judgment when Muḥammad was otherwise engaged; for ‘Alī had placed his brother Muḥammad over Tinnīs, Dami-etta, Faramā, etc. Muḥammad went out there and appointed deputies; then they returned and ‘Alī put up a curtain in his house.¹ Now when al-‘Azīz went forth in 368 to make war upon the Carmathians,² ‘Alī went along with him, putting his brother Muḥammad in his own place. Many people spread the report that al-‘Azīz [had superseded him]. Muḥammad thereupon wrote to his brother about the rumor. ‘Alī at once procured an order from al-‘Azīz to the chief of police, Ḥasan ibn al-Kāsim, that he should look into the matter; but Ḥasan answered allaying his fear,³ and reporting that the position of Muḥammad ibn al-Nu‘mān was gaining strength.

Formerly the notaries had been accustomed to sit in the jāmi‘, according to the prescription of the cadis before him—in winter in the maḳṣūra⁴ and in summer near to the window; but the

¹ For what purpose this is mentioned here I do not know; the meaning of سَجَف is clear. Perhaps he wished in this way to have more privacy.

² At first, the Carmathians were used by the Fāṭimids in reducing Syria to Shī‘a rule; later, the two became bitter enemies, the Carmathians making common cause with the Abbāsids at Baghdād. See de Goeje, *Mémoire*, etc., pp. 133 seq. On the victory of al-‘Azīz over them in 368, see *ibid.*, p. 192.

³ Reading *بعدم الخوف*; if *الخوض*, “advising him not to press the matter.”

⁴ The maḳṣūra was a small space partitioned off by a grille and near to the minbar of the mosque, in which the ruling prince took his place to say his prayers and to hear the khuṭbah (Quatremère, *Histoire des sultans Mamlouks*, vol. i, part i, p. 164; vol. ii, part i, p. 283). The ‘Umayyad Caliph Mu‘āwīya preached from such a maḳṣūra (Goldziher, *Muhammedanische Studien*, vol. ii, p. 41). On such a maḳṣūra in the Azhar, see Van Berchem, *l. c.*, p. 47. A description of the maḳṣūra in the mosque of ‘Amr in Fostāṭ is given by Ibn Duḳmāk كتاب الانتصار بواسطة عقد الامصار (Cairo, 1809, A.H.), part iv, p. 98, below. Al-Makrīzī, in speaking of the chief cadi’s procedure (*al-Khiṭaṭ*, vol. i, p. 17).

distance induced 'Alī to order that they should sit near to him, [p. 243, 1] two to his right and two to his left, and that they should thus see whatever judgment he gave. It was customary for his scribe to charge for the documents which he signed. But after 'Alī ibn al-Nu'mān had been in office for a year he grew to dislike this arrangement and forbade it. During his tenure a man apostatized. With the permission of al-Azīz, 'Alī struck off his head.

Ibn al-Nu'mān was on very friendly terms with al-'Azīz, as his father had been with al-Mu'izz—sitting with him, eating with him, riding out with him, and conversing intimately with him. The vizier, Jacob ibn Killis, opposed him and the cadī tried to ignore the vizier. This went so far that 'Alī could not give any judgment, nor appoint an assessor to the cadī nor a deputy, without the vizier taking a hand in the matter. The cadī did away with the attendance (of litigants) in the mosque, because it enabled the vizier to decrease his power. When the vizier was put under arrest, 'Alī ibn al-Nu'mān returned to his former custom.

He was the first to have the title chief cadī over the whole of Egypt, because in his diploma it was stated that all the provinces (of Egypt) were under his jurisdiction.²

Muḥammad ibn al-Nu'mān ibn Muḥammad ibn Maṣṣūr ibn Aḥmad ibn Ḥashūb³ al-Maghribī al-Kairuānī the Imāmī, of the fourth century, born on the third of Ṣafar 340 [A.H.] in the

وبين يديه خمسة من الحجاب اثنان بين يديه : 403) says : واثنان على باب المقصورة. The place in which the vizier gave audience was divided by a grille into two parts. All who had business with him assembled in the قاعة; but he sat in the maḥṣūra, which was separated from the rest of the room by a heavy grille. This was, no doubt, done to protect his person from sudden attacks. See Ravaisse, *Essai sur l'histoire et sur la typographie du Caire* in the *Mémoires . . . de la Mission Archéologique Française du Caire*, vol. i, p. 54.

¹ On the functions of the عَدْل see Quatremère, *l. c.*, vol. ii, part 8, p. 111; Ibn Khallikān, vol. ii, p. 367, note 5, and Dozy, vol. ii, p. 103.

² Ms. Berlin 9819 adds five lines of poetry by him on the authority of al-Musabbihī, part of which are given by Ibn Khallikān. It adds also that he died on Rajab 6th, 374 [A. H.]

³ Of course, the proper reading here is حيون in place of حسوب.

Maghrib. He came to al-Kāhira in company of his father with al-Mu'izz. He represented his brother Alī ibn al-Nu'mān towards the end of the latter's incumbency. After the death of his brother, al-'Azīz endowed him with full powers, [p. 244, 1] on a Friday, seven days from the end of Rajab 374. He received investiture and donned the sword. On the same day he went to Miṣr in a palanquin,¹ resting upon a mule because of a sickness from which he was suffering. He entered the mosque, but was unable to sit down; so he returned to his dwelling. However, his son, 'Abd al-'Azīz, the children of his brothers, and a large attendance, remained seated in the mosque until, after the usual Friday prayers, the diploma was read out appointing him *cadi* over the whole of Egypt, Alexandria, the two sacred places, and the provinces² of Syria. He was also clothed with the functions of leading prayer, of assaying gold and silver, and of controlling weights and measures. In his diploma both his father and his brother were mentioned with praise. Then he sent his nephew al-Ḥasan ibn 'Alī to the *jāmi'* to sit there as judge and informed the lieutenants of the provinces³ (of this). On Friday, Jumāda 1, 375, he betrothed his son 'Abd al-'Azīz to the daughter of Jauhar, the *kā'id*, in the *majlis* of (the caliph) al-'Azīz. The gift to the bride's parents amounted to 3,000 *dīnārs*. The two witnesses were Muḥammad ibn 'Abdallāh al-'Uṭaḳī and 'Abdallāh ibn Muḥammad ibn Rajā. al-'Azīz made presents to the husband, and Muḥammad ibn al-Nu'mān went away with a large and select assembly of his friends. His son 'Abd al-'Azīz was appointed his substitute, his nephew al-Ḥusain ibn 'Alī being removed. Al Musabbihī says that Muḥammad ibn al-Nu'mān was a good judge, well educated, [p. 245, 1] and learned in history. Al-'Uṭaḳī,⁴ in his history, says while al-Mu'izz was

¹ On the *ḡubba* or palanquin, see Ibn Khallikān, vol. iii, p. 846, note 10.

² Syria was divided into five provinces (أجناد), to wit: Damascus, Emesa, Ḳinnesrīn, Jordan, Palestine. See Lane, p. 470a.

³ خلفاء النواحي. On the meaning of *Khalifa* (lieutenant), see the article of de Goeje referred to in Van Berchem, *l. c.*, p. 755. Al-Shīrāzī (*al-Tanbih*, p. ٣١٣) speaks of the *Khalifa* of a *cadi*.

⁴ I have adopted the reading of Ms. 5893, and believe that the reference is to Abū 'Abd al-Raḥmān Muḥammad ibn 'Abdallāh al-'Uṭaḳī, author of a *Ta'rikh al-Maghariba*; Al-Dhahabī, *Mushtabih*, p. 348. The title alone is mentioned in Ibn al-Faraḡī, *Kitāb 'Ulamā al-Andalus* (Madrid 1891-2), p. 311.

still in the Maghrib he ordered the *cadi* of his land, al-Nu'mān ibn Muḥammad, to make some silver astrolabes, (advising him) to seat some trustworthy person near the workman. Al-Nu'mān placed there his own son Muḥammad. When the work was finished, he gave it to al-Mu'izz, who asked him, "Whom didst thou place by the side of the workman?" He answered, "My son Muḥammad." Upon this the caliph said, "He shall be the *cadi* of Egypt." Muḥammad ibn al-Nu'mān related: "When al-Mu'izz saw me—I was then quite a young fellow—he said to his son, 'Here is thy *cadi*.'" Al-Musabbiḥi relates: "Muḥammad ibn al-Nu'mān during his term of office appointed thirty assessors." He says further: "Muḥammad ibn al-Nu'mān was very subtle in his judgments. A woman once came to him demanding her rights of her husband, which he refused to render to her. She then asked the *cadi* to put her husband under lock and key, which he ordered to be done. Looking at her, he found her to be comely and in a gleeful mood. When her husband went to the prison, the *cadi* ordered that she should be locked up with him. At this she was very angry; but the *cadi* said to her: 'We have locked him up to satisfy your rights; we lock you up to satisfy his.' When the woman found this out she withdrew the complaint, and as she went away the *cadi* said: 'I saw that she was delighted at his being locked up, and I was afraid that she would have leisure for wrong-doing.'"

He adds: The vizier ibn Killis was much opposed to the sons of al-Nu'mān in regard to their judgments. It happened that al-Ḥasan ibn al-Ḥusain ibn 'Alī ibn Yaḥyā al-Daḳḳāk married [p. 246, 1] his son to an orphan known by the name Bint al-Dibājī with the permission of Muḥammad ibn al-Nu'mān.² One of the witnesses, Bakr ibn Aḥmad al-Mālikī, arose and charged that the contract was fraudulent, as the girl was not of age. He was persistent in this statement. Ibn al-Nu'mān, however, decided "It has been proven by her own assertion that she is of age." She was taken to the *qaṣr* and the affair was brought to al-'Azīz. She

¹ I suppose that this is the meaning of *عدل* here. It might also signify "he reconciled," i. e., litigants, which was one of the functions of a *cadi*.

² Wards in chancery could be married only with the permission of a judge. Al-Shīrāzī, *l. c.*, p. 19.

was examined and found not to be of age. The cadi was therefore asked to annul the marriage ; whereon the vizier cited both cadi and witnesses before him and having sworn them, said : “May his honor declare this marriage annulled and refuse to receive the testimony of these witnesses.” The cadi did so, putting out a document to this effect. In it the statement was made that it had been proven to him that the girl was not of age. The vizier disapproved of the witnesses as they had been negligent in their conduct. This happened towards the end of Jumāda 1, 375. He (the vizier ?) commanded that the property of the young woman should be placed in chancery, though he deducted from it a quarter for her maintenance.

(On another occasion,) it was reported to Muḥammad ibn al-Nu‘mān that a Christian had turned Mohammedan, that he had changed back again, though he had passed his 80th year. He was asked to recant, but refused. His case was reported to al-‘Azīz, who had him turned over to the chief of police. He then ordered the cadi to send him four witnesses who should induce him to repent. Should he so repent he was to have (from al-‘Azīz) 100 dīnārs ; but if he persisted, he was to be killed. He rejected Islām and was killed, his body being cast into the Nile.¹

A man of the Walad ‘Aḳīl ibn Abī Ṭālib² once cited before him his wife who had a daughter with her, of whom the man declared he was not the father. Ibn al-Nu‘mān tried to dissuade him, but was unable to do so. [p. 247, 1] The case was brought before al-‘Azīz, who commanded the cadi to have the

¹ On the treatment of apostates from Islām, as recommended by the various schools, see Goldziher, *Muhammedanische Studien*, vol. ii, p. 215 ; Tornauw, *l. c.*, p. 298. Al-Hākim, of course, handled with great severity those who were enemies of the Alid pretensions. It is related that a Syrian once affirmed that he did not know who ‘Alī was. Muḥammad ibn al-Nu‘mān did the bidding of his master, had the man imprisoned and then sent four notaries to question him. After that, he was brought before al-Hākim, who had his head cut off. See de Sacy, *Les Druses*, vol. i, p. CCXCVIII.

² ‘Aḳīl was a cousin of the prophet. See al-Nawāwī, *كتاب تهذيب الاسماء* ed. Wüstenfeld, p. 426 ; Wüstenfeld, *Register zu den genealogischen Tabellen*, p. 84 ; Sprenger, *Mohammad*, vol. i, p. 146 ; al-Dhabī, *al-Mushtabih*, p. 368.

*li'ān*¹ pronounced between them. The cadi cited them in Dhul-Ka'da 378 to the Jāmi' al-'Atik; the witnesses came and he warned the husband, who, however, insisted upon the *li'ān*.¹ So the cadi pronounced it between them and thus separated them.

His son 'Abd al-'Azīz was appointed judge in his place.² He presided on Mondays and Thursdays. At the beginning of the year 381 he appointed many of the nobles his assessors; and in Šafar 382 he appointed a man named Ja'far in the jāmi' to deliver fetwas according to the Meccan rite. But the faḳihs of the jāmi' rose up in tumult against him. When the cadi heard of this, he took some of them and sent three of them around (the city) riding upon camels.³ As the position of the cadi, Abd al-'Azīz, became more secure, he ceased altogether to go to the jāmi', holding court in his own dwelling place. No one spoke to him without addressing him as "Our lord".

Now when (the caliph) al-'Azīz died, Muḥammad ibn al-Nu'mān remained in his house in al-Kāhira, and had his son 'Abd al-'Azīz preside at the court in Miṣr every Monday and Thursday. Ibn Zūlāk says: I have never seen of any cadi in Egypt what I have seen of Muḥammad ibn al-Nu'mān, nor have I heard the like of it in regard to any cadi in 'Irāk. He deserved this reputation, for he was learned, careful and cautious, distinguished in bearing and in conduct. Abu 'Abdallāh al-Samar-kandī⁴ says of him:

¹ The *li'ān* is the curse which the husband pronounces upon his wife if he suspects her of adultery, but has not sufficient proof to substantiate his charge, or if the fourth of the necessary witnesses is wanting. The formula that he uses is from the Koran, Sura xxiv, 4-9 لعنة الله **لَعْنَةُ اللَّهِ عَلَيْهَا إِنْ كُنْتَ مِنَ الْكَاذِبِينَ**, upon which the whole ordinance is based. The wife could do the same in regard to her husband. See the section **بابُ اللَّعَانِ** in al-Shirāzī, *l. c.*, pp. 233 et seq.; al-Sha'rānī, *Kitāb al-Mizān*, ii, 111; *Kashf al-Ghumma*, ii, 86. A portion of the passage in Bukhārī's *Ṣaḥīḥ* is translated by Goldziher in his *Muhammedanische Studien*, vol. ii, p. 235. See, further, Tornauw, *l. c.*, p. 219; Querry, *Droit Musulman*, vol. i, p. 92, and Snouck-Hurgronje in ZDMG.; vol. liii, p. 163.

² Ibn Khallikān (vol. ii, p. 365) mentions the fact that in Jumāda 1, 380 (July-August 990) Muḥammad appointed the celebrated astronomer 'Alī ibn Yūnus, the author of so-called *Hākimite Tables*, to act as 'adl.

³ I suppose that this was considered degrading for a man of position. Only the poor and the Bedouin ride on camels.

⁴ Ibn Kallikān has "Abd Allāh ibn al-Ḥasan al-Ja'farī of Samarcand;" he, also, cites some more verses than ibn Ḥajar.

[p. 248, 1] He was unique in noble qualities, he was illustrious in honorable deeds and excellent.

His brilliancy gleamed and he pressed resolutely on, as gleams a polished sword.

When he gave judgment rectitude was his companion, when he gave awards beneficence was his colleague.¹

When he ascended the pulpit he was a veritable Kuss, when he was present at gatherings he was a true Khalil.²

Al-Musabbiḥi says he wrote many verses, but they do not evidence much power. Among the best are :

O thou who are like the full moon of heaven, when seven and five and two days have passed;³

O thou who art by nature perfect in beauty, thou engrossest my heart and keepest my eye from sleep.

Is there anything that is desirable in thy mouth for me?⁴ If not, I must go off with the sandals of Hunāin.⁵

He adds : During his term of office he had a brutal fellow stoned who had committed adultery with an Alid woman. The man was stoned in the Sūḵ al-Dawābb near to the mosque of Ibn Ṭūlūn in the year 392. But when increasing power came to him and his station became elevated, sickness took hold of him—gout and festering sores. He was ill most of the time,

¹ Some readings in the Mss. are undoubtedly wrong ; Berlin 9819 omits the lines altogether. In the first line of poetry, Paris 5893 has فضيلة ,

Ibn Khall. فضائله for قضايه . For وحيد , Ibn Khall. has وحيد .

In the second line for اعتزما , Ibn Khall. has اعتزما ; in the third, Paris 5893 and Ibn Khall. والسواد for السدان . I have translated according to the emended text.

² According to de Slane (Ibn Khallikān, vol. iii, p. 573/4) the references here are to Kuss bishop of Najrān, and to al-Khalil ibn Aḥmad. Kuss was renowned for his eloquence, and the saying went : اخطب من قس (see Freytag, *Proverbien*, vol. iv, Index); Sprenger, *Moḥammad*, vol. i, p. 102; Sprenger, *El-Mas'ūdi's* . . . “*Meadows of Gold*,” i, p. 138. Al-Khalil was the founder of the science of prosody among the Arabs (Flügel, *Die grammatischen Schulen der Araber*, p. 37).

³ I. e., at the time of its fullness.

⁴ I. e., Can I expect any favour from thee?

⁵ I. e., disappointed. See the explanation in de Slane, *l. c.*, vol. iii, p. 573, note 8.

so that his son 'Abd al-'Azīz performed his judicial functions, kept the registers in his father's house and performed his other duties. Barjawān,¹ in spite of his rank, visited him every Thursday. He was very well-mannered, of fine stature, stout, well ridden, well groomed and perfumed, whether sitting in his majlis or riding out. Whenever he had to make a gift he gave much and he gave quickly.

His death happened on Tuesday evening, Ṣafar 4, [p. 249, 1] while he was still in office. Al-Ḥākim came, said the prayers over him in his house, and had him buried beneath its kubbā. Afterwards his body was transferred to the cemetery. . . He had been in office fourteen years six months and ten days. There was found charged to him property to the amount of 36,000 dinārs belonging to orphans and others. The governor,² Barjawān, ordered all that was found to be seized, sending his secretary, Abū al-'Alā Fahd, a Christian, to seize this property, to give orders in regard to its sale, and to exact payment from the notaries in whose charge the property had been. He who could show a written document of the cadī was allowed to remain in possession of what he had ; but he who could not show a written document of the cadī was fined,³ until half of the judgment was paid up. Then a settlement was made with the creditors at the rate of one-half. The judge further ordered that in future no money belonging to orphans or to persons absent should be deposited with any notaries. He then set apart a place in the Zukāk al-Ḳanādīl⁴ where this money should be deposited. Four notaries were to put a seal upon it, and it was not to be opened except in the presence of all of them. For some time the matter remained in this fashion. Muḥammad ibn al-Nu'mān, however, gave over to one of the notaries, 'Abdallāh ibn Aḥmad ibn Muḥammad al-Midādī, the money belonging to an orphan, and demanded a notarial document in regard to it. The notary

¹ On the eunuch Barjawān, the regent for the young caliph al-Ḥākim, see ibn Khallikān, vol. i, p. 253 ; Stanley Lane-Poole, *History of Egypt*, p. 124.

² The term حاكم acquired the meaning "governor;" then it was used for any ruler. See Van Berchem, *l. c.*, pp. 205, 420.

³ Read غرم for عزم in the text.

⁴ Ibn Duḳmāk, *l. c.*, p. 13, mentions a رَقَاف القناديل, but in Fustāṭ.

refused. Then Muḥammad said: "He is not the one who ought to write out such a document." It happened that al-Midādī died in the year 379, while holding many such deposits. Yazīd ibn al-Sanadī, the secretary of al-Ḥākim, had sent to him before his death [p. 250, 1] to get a receipt in regard to the moneys that he held. After his death, the greater part of this money was not found. So the cadi sold his house for 5,000 dīnārs and with this paid the deposits.

Al-Ḥusain ibn 'Alī ibn al-Nu'mān ibn Muḥammad ibn Maṣṣūr ibn Aḥmad ibn Hayyūn (with unpointed *ha*, *ya*, silent *vau* with *ḍamma*, and at the end a *nūn*), al-Maghribī al-Ismā'īlī of the fourth century. He was born in Maḥdiyya, two days before the end of Dhu-l-Ḥijja 353. When quite young he came with his father to al-Kāhira. He learnt a book on law by heart, and was so able as to become one of the imāms of the *Seveners*.¹ His uncle, Muḥammad ibn al-Nu'mān, appointed him judge in the *jāmi'*. Then he was deposed in favor of the former's son, 'Abd al-'Azīz ibn Muḥammad. When Muḥammad ibn al-Nu'mān died, Egypt remained without a cadi for 19 days. Then Barjawān invited him by the order of al-Ḥākim and made him cadi; placing his cousin 'Abd al-'Azīz ibn Muḥammad ibn al-Nu'mān over cases in appeal. This occurred at the end of Ṣafar or at the beginning of Rabi' I, 389. Al-Musabbihī gives the corrected date as Ṣafar 23rd. He says: Barjawān clothed him with a sword and with white linen² garments, he put on him a mantle and gave him a turban—both of them gilded.³ He caused him

¹ If this translation is correct, it will be necessary to read *أئمة السبعية*. On these "Seveners" see Macdonald, *Development of Muslim Theology*, p. 42. Perhaps the correct reading is *الشبعة*.

² I have translated in this fashion because of the note in Dozy, *Dictionnaire des Noms des Vêtements*, pp. 180, 1, s. v. *مقطع* pl. *مقاطع*. But

مقطوعة may be the same as the more usual *مقطعة*, of which de Goeje (Glossary to Tabarī, p. CDXXIX) has collected a number of instances in the sense "vestimenta consueta."

³ Read here *مذهبيين*. It seems that the turban worn by jurists was thicker than that worn by ordinary Muhammadans. For that reason, a jurist is sometimes called *رَبِّ العِمَامَةِ* or *صاحب عِمَامَةٍ* (Dozy, *Vêtements*, p. 307). The *طِيلَسَان* or *طُرْمَة* (a veil) was origin-

to ride upon a mule¹ with two mules going before him. Before him were borne many fine garments. The diploma, which created him head *cadi* in Miṣr, al-Kāhira, Alexandria, Syria, [p. 251, 1] the two sacred places, the West and its provinces was read out while he remained standing. He was appointed leader in prayer² and controller of the markets.³ He rode to the jāmi‘ and he refused to receive a company of notaries who had served his uncle to the number of fourteen. Al-Musabbiḥī gives their names. After a month's time he received them and installed al-Ḥusain ibn Muḥammad ibn Ṭāhir as judge in Miṣr and Mālik ibn Sa‘īd al-Fāriḳī in al-Kāhira. He made his brother al-Nu‘mān inspector of weights and measures.⁴ This last one was also made *cadi* in Alexandria and Aḥmad ibn Muḥammad ibn Abi

ally worn only by the chief *cadi*, and became thus part of his investiture (*ibid.*, pp. 255, 279). Al-Nuwairi (quoted by Quatremère, *l. c.* vol. i, part i, p. 21) says distinctly in speaking of Mālik Sa‘īd, son of Baibars: خلع

على الاعيان والاكابر بالطراحات وما كان قبل ذلك يخلع
 على الاطرحه الآلى قاضى القضاة . See further citations *ibid.*; and cf. Sprenger, "Eine Skizze der Entwicklungsgesch. des muslimischen Gesetzès," in *Zeitschrift für vergleichende Rechtswissenschaft*, vol. x, p. 23. Evetts, *Coptic Churches*, ii, p. 120. This peculiar head-dress persisted down through Mameluke times, and is often referred to. See the account of Barbafeffa, secretary of the Venetian Ambassador in 1503 in Patton, *Hist. of the Egypt. Revol.* i, p. 62, and Joseph ibn Isaac Sambari's Hebrew account (end of the seventeenth century) in Neubauer, *Mediaeval Jewish Chronicles*, i, 115.

¹ At a later time a special piebald mule was kept in the royal stables for the use of the chief *cadi*. See al-Kalkashandī, *l. c.*, p. 184; al-

Maḥrīzī, *al-Khiṭaṭ*: ويقدم له من الاصطبلات برسم ركوبه على
 الدوام بغلة شهباء وهو مخصوص بهذا اللون من البغال دون
 ارباب الدولة .

² صلاة pl. صلات may also mean "gifts," "donations." See de Goeje in the glossary to his edition of Balādhurī, p. 108. "Controller of gifts and donations?"

³ I. e., مكتسب .

⁴ The correct reading is المعيار as in Ms. 5893. العباد in the other Mss. is a mistake for العيار .

‘Awwām responsible for the pensions. He who had charge of the property of orphans’ was also intrusted with the accounts.

On Šafar 3, 391, while he was sitting in the jāmi‘ of Mišr expounding the law, the evening prayer was offered. It had just been commenced when a Maghribī from Andalusia came and attacked him. With the knife of a basket-maker he gave him two cuts, in the face and on the head. The man was caught, killed and hung up. From that day on al-Ḥusain was guarded by twenty armed men. Al-Musabbiḥī mentions this matter in his history while discussing the events of Muḥarram 2nd, 393. The cadi waited until his wound was healed; then he went to al-Ḥākim. He received investiture, was carried upon a mule, while another was led before him.

This al-Ḥusain was wounded while performing a rak‘a [p. 252, 1] during the evening prayer. For this reason the guards were accustomed to take their station back of him with drawn swords until he had finished; then they said their prayers. Al-Musabbiḥī affirms that he was the first cadi to whom this happened. Al-Ḥākim gave orders that double the salary, presents and appanages² of his uncle should be given to al-Ḥusain. He made a condition, however, that al-Ḥusain should not touch even a single dirhem of money belonging to the people.³ He put him in office, invested him with the sword, caused him to ride on a mule, giving him the care of justice over his whole kingdom. He made him preacher and imām in the chief mosques;⁴ gave him the care of them and of other mosques; appointed him inspector of the mint, and of preaching, as well as chief reader and chief scribe at the evening levee. He was the first ‘Ubaidi cadi to be preacher. On account of his poor health the people imagined that he would not preside at court, and that the

¹ Read *الايتام* with Ms. 5893.

² *اقتطاعات* either “apanages” (Quatremère, *l. c.*, ii, p. 200), or “the revenues of his estate” (Dozy, vol. ii, p. 374).

³ I. e. money of orphans and the like, placed for safety in the *dīwān* of the cadi.

⁴ If the correct reading here is, as I supposed, *المساجد الجامعة*, the reference must be to the “cathedral mosques” (if such a barbarous term be permitted), where the Friday prayers were said. The older term was *masjid*. In course of time, any mosque was called a *jāmi‘*. See the learned notes of Van Berchem in his *Corpus*, pp. 173, 765.

appointment was really meant for the son of his uncle Muḥammad, 'Abd al-'Azīz, because his father had preceded him as judge and had instructed him during his lifetime. Then a number of people made the complaint that there were deposits belonging to them in the cadi's dīwān.¹ The cadi cited his cousin Abd Al-'Azīz ibn Muḥammad ibn al-Nu'mān, and wrote to his uncle Abū Tāhir ibn al-Musnadī in regard to the matter. He was told that his uncle had made free use of all this money, regarding it as a loan. Their reply displeased him, and he made a further investigation, sending Fahd ibn Ibrāhīm the Christian, the secretary of Barjawān, to examine into their accounts. So he took charge and investigated and compelled 'Abd al-'Azīz [p. 253, 1] to sell whatsoever his father had left. Then he sold all that he had, realizing from this more than 7,000 dīnārs. The secretary, however, had calculated the liability to be twice this sum. The cadi, sitting in the ḡaṣr, called the creditors and paid them the sums owed.

He then set apart in the Zukāk al-Ḳanādīl a special place for the moneys deposited with the cadi and placed there five notaries to register whatsoever was brought there and attested. He was the first to set aside a separate place for the care of moneys intrusted to the cadi. Previous to this all such property had been intrusted to the cadi in person or to his assessor. Al-Ḥusain attended to all affairs with harshness and severity.² He was the first one to have the title chief cadi in his patent;³ his father being the first of the Egyptian cadis to be addressed by such a title. Al-Ḥasan al-Maghribī once brought a law case before him; but his tongue slipped while he was addressing the cadi. This angered the cadi, who sent him to the prefect of police and he was punished in the presence of the cadi's chamberlain with 1800 strokes. He was carried about the city in disgrace and died upon that same day. His bier was brought out, most of the people of the city came to see it, and honored his grave, praying for him but cursing the one that had done him injury. The cadi repented of his deed—but his repentance was too late.

¹ موضع الحكم. Cf. Dozy, vol. ii, p. 792.

² مهابة i. e. he inspired fear among people.

³ Or "in his protocols."

In Rajab 393 al-Ḥākim gave ‘Abd al-‘Azīz ibn Muḥammad permission to try cases and to take testimony, though at the same time he confirmed al-Ḥusain in his positions. ‘Abd al-‘Azīz arranged that notaries should be present at his majlis, making the condition that they should not be present at the majlis of his cousin. In this manner the people were quite uncertain what to do. [p. 254, 1] If one party brought a case before al-Ḥusain, his opponent would bring the case before ‘Abd al-‘Azīz. When ‘Abd al-‘Azīz was present in the jāmi‘, the place of al-Ḥusain was quite deserted, so that the matter was much talked about. Al-Ḥākim then wrote a diploma in his own hand to the effect that trial cases should be brought only before al-Ḥusain. He ordered that no one should register judicial decrees upon the authority of anyone else; and that if anyone summoned a litigant who had already brought his case before al-Ḥusain, no one else could take charge of it.¹ This diploma was read before the assembly.² At this the cadi’s heart rejoiced. His growing prominence did not cease until he reached the highest point of glory; so that he compelled the notaries to be present at his own house and in the jāmi‘, and whenever one of them absented himself he had him punished.³ It was his custom to have the contents of the documents he was to sign read in his presence before he added his own signature.

In spite of all this (harshness) he was very kind to men of learning. He used to reward them with flour and barley, etc., and would send them garments and other things. This lasted until al-Ḥākim ordered him to be removed from office in Ramaḍān 394. He knew nothing of this, remaining in his house, until someone came and told him that his cousin ‘Abd al-‘Azīz had been made cadi. He refused to believe it until it was substantiated. Thereupon he shut his door and remained in his house. His fear waxed [p. 255, 1] until on Muḥarram 6, al-

¹ For the meaning of لا يمكن احدا see the instances cited by de Goeje in the glossary to Ṭabari, p. CDLXXXIX.

² ملأ, de Goeje, *ibid.*, p. CDXC.

³ لرمه جعل حبة؟ It is possible that the reading should be جعل حبة, i. e., he imposed a small fine.

Hākīm gave orders that he should be taken upon an ass in broad daylight and imprisoned; and at the beginning of the year 395 he was beheaded together with Abū Ṭāhir al-Maghāzilī and the muezzin of the kaṣr. The bodies of the three were then burned near to the Bāb al-Futūh. One of the things that led al-Hākīm to disavow him was the story of the man whom the chief of police had beaten so that he died, as related previously.

Ibrāhīm ibn al-Raḳīk,¹ in his history of North Africa, has related the story of this al-Husain and al-Hākīm. He says (in the exact words): "And al-Hakim killed his cadi, Ḥusain ibn 'Alī, and had him burned in fire." It is said that one of the reasons of his killing him was that al-Hākīm had been very liberal to him;² but had made the condition that he should keep his hands off the people's money. A certain man who had a grievance sent a paper to al-Hākīm, in which he told him that when his father died he had left him 20,000 dinārs, and that it had been placed in the dīwān of the cadi Ḥusain. He (the son) was living for some time upon this money. He had come one day and asked for some of it; but the cadi told him that all that his father had left was spent. Al-Hākīm summoned the cadi and showed him the complaint. The cadi answered just as the complainant had averred, adding that whatever had been left by the man's father had been spent on the man's living. Al-Hākīm at once ordered the books of the cadi dealing with this matter to be brought. When this was done, al-Hākīm looked up the accounts of the man, and it turned out that he had received only a little of the actual sum. Most of it was found to be still due him. Al-Hākīm enumerated to the cadi the high offices he had given him, the various gifts and honors, and his having made the condition that al-Ḥusain should not touch³ the people's money. He was afraid and terrified, and said, "Forgive me, and I shall do better." He went away

¹ Abū Ishāk Ibrāhīm ibn al-Kāsim al-Kātib al-Kaīruānī al-Raḳīk al-Nadīm (Brockelmann, i, 155). His *Ta'riḥ Kaīruān* is not mentioned by Brockelmann; but it is cited by Nuwairī, 'Idhārī, Maḳrīzī, Maḳḳarī, Ibn Khaldūn, Ḥājī Khalīfa, etc. See Carl H. Becker, *Beiträge zur Gesch. Aegyptens*, i, 9. The present citation shows that Becker is right in placing his death later than 383 A.H. (the date given by Brockelmann).

² Cf. the expression : مَلَأَ عَيْنَهُ وَقَلْبَهُ.

³ Reading with Ms. 5893 التَعَرَّضَ.

with the man and paid him what was owing in the presence of witnesses. But al-Ḥākim bore him a grudge and had him thrown into prison. Then he was taken out upon an ass in broad daylight, the people looking on and following him until he came to the loggia, where he was beheaded and his body burnt.

He held the office of cadi for five years, seven months and eleven days. Al-Musabbihī says that he once pronounced the li'ān between a drunken man and his wife in the Jāmi' al-'Atīk, which was without precedent under the 'Ubaidites. 'Al-Ḥākim gave to the aforementioned cadi as a fief a house in the vicinity of the Khalīj al-Ḥākimī.¹ When the Nile was high he went (in a boat) to this house; the notaries came to him by land upon their donkeys. Then he rode from it to the Kaṣr and returned; after which he went to his dwelling-place in the Dār al-Ḥamrā.

'Abd al-'Azīz ibn Muḥammad ibn al-Nu'man ibn Muḥammad ibn al-Manṣūr ibn Ahmad ibn Ḥayyūn al-Kairuāni was an Ismā'īlian of the fourth century. He was born on the first of Rabī' 1, 355. He was appointed cadi on Thursday, Ramaḍān 16, 394, and the revision of judgments was given in his power. He was invested in the usual way, being carried upon a mule, while two other mules were led before him, and a trunk filled with garments was carried in front of him. He entered the jāmi', a large assembly being present. His diploma was read out from the pulpit. His first act as judge was to dismiss all the notaries whom his uncle al-Ḥusain had been accustomed to receive, with the exception of Sharaf ibn Muḥammad al-Maḥrī, whom he appointed to write down his decisions and his law cases. In his protocols the following was his title:² "The Chief cadi 'Abd

¹ The Great Canal, variously called *Khalīj Miṣr*, *Khalīj Amīr al-Mu'minīn*, *Khalīj al-Ḥākimī*, etc.; see *al-Khiṭaṭ* ii, 138; Siyūṭī, *Husn*, i, 76; Ibn Iyās, *Ta'rīkh Miṣr*, p. 163, and de Sacy, *Relation de l'Égypte par Abd-Allatīf*, p. 419, note 11.

² The titles here given are of interest. He is called the "Cadi of 'Abd Allāh," with reference to the Shī'ite pretensions of descent from 'Alī who is the **وَلِيِّ اللَّهِ** (Van Berchem, *l. c.*, p. 43). Manṣūr is part of the caliph's name: Manṣūr abū 'Alī. The formula **صَلَاةُ اللَّهِ عَلَيْهِ** and **وَابْنَاتُهُ الْكَرِيمِينَ** (to which is usually added **وَعَلَى آبَائِهِ الطَّاهِرِينَ** (*ibid.*, p. 25 et al.)), has a like reference. When al-Jauhar came to Fustāt, he had the following words added at the end of the Khuṭba: "O my God! bless Muḥammad the chosen, Alī the accepted, Fāṭima the pure, and al-Ḥasan and al-Ḥusain, the two grandsons of the Apostle;

al-‘Azīz cadi of ‘Abdallāh and of his representative Maṣṣūr Aḥū ‘Alī the Imām al-Ḥākim, commander of the faithful—may God bless him and his pure fathers—over Al-Kāhira of al-Mu‘izz, Miṣr, Alexandria, the Two Holy Places, the districts of Syria, al-Raḥba, al-Rakka, the Maghrib, together with its provinces,

them whom thou hast freed from stain and thoroughly purified (الذين)

(اذهب الله عنهم الرجس وطهرهم تطهيرا). O my God! bless

the pure Imāms, ancestors of the Commander of the believers (اللهم)

” (وصل على الأئمة الطاهرين ابناء امير المؤمنين). In the interesting bit of Genizah poetry by one Solomon ben Joseph ha-Kōhēn (published by Julius H. Greenstone in *AJSL*, January, 1906), the Fāṭimids are also called הטוררים (line 8). There are a number of such references

to peculiar Muhammadan titles and expressions, e. g., l. 5 המלך (line 8). There are a number of such references to peculiar Muhammadan titles and expressions, e. g., l. 5

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as well as whatsoever God has given into his power, and he has made easy to be conquered by the Commander of the Faithful (in the countries of the East and West)."¹

And 'Abd al-'Azīz nominated to be his successor as judge Mālik ibn Sa'īd al-Fāriḳī, and in [matters relating to] petitions Ibn Abī 'Awwām. The notaries whom he had not received hung around his door; so he sent to them [saying]: "Court duties have increased greatly upon me and I shall need your assistance in receiving testimony. Each one of you must attend to his business; and whenever I need one of you for testimony, I will make an appointment with him." Then they left him. [p. 258, 1] But on the 17th day of Dhul-Ḳa'da he had them come and made them take an oath that they had made no efforts to find employment as notaries under his uncle, that they had neither bribed him nor otherwise induced him to appoint them.² They took the oath in regard to this, and he received them.

Al-Ḥākim caused 'Abd al-'Azīz to mount the minbar with him upon Fridays and upon festive occasions, as had been the custom of his predecessors. His power in legal matters extended and his station became exalted. He took his seat in the jāmi' and commenced to expound the work of his grandfather entitled "*The Basal Distinctions of the [Different] Schools of Law.*" During his occupancy al-Ḥākim made over to him the care of the Dār al-'Ilm³ which he had instituted. Al-Ḥākim [namely]

بمملكة واحدة. Al-Kuḏā'i, كتاب عيون المعارف (Paris Ms. 1490, fol. 141b): فصل في بيان المهديين. ومدة دولة المهديين ويقال لهم الفاطميون ايضا مائتان وسبعون سنة وحكمهم في مصر مائتا سنة وحكمهم في بلاد الشام وحلب وديار بكر ويمن مائة وثمانون.

¹ These words are added from Ms. 2152.

² The Ms. reading لا رشدة ولا عدوا (عروا) له seems impossible. I suggest the reading: لا رشوة ولا اغروه, and have translated accordingly.

³ The Dār al-Ilm, or "House of Science," was founded in order to propagate Shi'ite teaching in Egypt. Al-Makrīzī (*Khīṭaṭ* i, 458) has a circumstantial account of its foundation drawn from al-Musabbihī, who is evidently the authority followed by Ibn Ḥajar. The Dār al-'Ilm was opened on the 10th of the second Jumāda 395 A.H. and was closed by Ibn 'Abd al-Ṭāhir al-Afḍal ibn Amīr al-Juyūsh in the sixth century A.H. See, also, Ibn Khallikān, tr. de Slane, vol. i, p. xxix.

had built and arranged it, and had placed in it many scientific works, throwing it open to the Faḳīhs, allowing them to sit in it doing whatsoever they pleased—copying, studying or reading; after it had been furnished, the hangings placed upon the doors, and the necessary arrangements made for its attendants and for the servants in charge of the furniture.

This ‘Abd al-‘Azīz was appointed to sit and to converse with al-Hākim. The cadi found it necessary to give his older son al-Ḳāsim permission to participate in his legal functions at the jāmi‘, where he sat to hear cases and to decide disputes. People were accustomed to take cases from him to his father and from his father to him. His younger son he ordered [p. 259, 1] to verify¹ the documents which people brought, and to render decisions in a court held in his own dwelling. In addition, al-Hākim appointed him (‘Abd al-‘Azīz) to administer the estate of his cousin Ḥusain ibn ‘Alī ibn al-Nu‘mān, after that one had been killed; so he took charge of all his property. He did the same with the estate of Abu Maṣṣūr al-Jauzī, one of the prominent men of his reign. He preferred the cadi as prayer-leader over a number of his assistants; the custom having come into vogue that the caliph alone should lead them in prayer. He commanded him to forbid men and women to promenade in the streets on the ‘Āshūrā festival;² it being their (i. e. Alid) custom to send out women and others who poured forth lamentations, who wept for al-Ḥusain, and who chanted dirges in the streets. The crowds were accustomed to stretch forth their hands to the goods of the merchants. This having come to the ear of al-Hākim, he commanded the cadi to forbid their going about in the streets and [to order] that they should only lament and chant in the open country.³

It happened that a certain Kutāmī⁴ owed a certain sum but refused to pay it. It having been in his possession during a bad

¹ Or “to register.”

² On the ‘Āshūrā festival, see the data which I have collected in the *Jewish Encyclopedia* s. v.

³ I. e. the space between Cairo and Jabal al-Muḳaṭṭam, called in al-Makrīzī’s time “The Smaller Ḳarāfa.” See *al-Khiṭaṭ*, ii, p. 455.

⁴ The Kutāma were a Berber tribe. ‘Ubaid Allāh, the founder of the Fāṭimid dynasty, was a Kutāmī. See *al-Istakhṛī*, ed. de Goeje, p. 39, below.

year,¹ he had appropriated it for himself. The case came to the attention of the cadi, who sent a messenger to the man; but [the messenger] was spurned. The matter was then brought to the attention of al-Ḥākim, who ordered the Kutāmī to be dragged before the cadi in Fustāt. Then he was brought on foot to al-Kāhira and compelled to give up that which was due. Al-Ḥākim [also] entrusted to the cadi the care of the mosques, the handling of the wakfs, the collection of the products [belonging to them] and the application of them [p. 260, 1] as he should think well. This he did to the best of his ability, detailing for the purpose two tellers who should pass upon accounts.

The cadi betrothed his two sons to the daughters of the kā'id Faḍl ibn Ṣāliḥ. The ceremony was held in the castle, the marriage contract being for four thousand dinārs which al-Ḥākim accorded from the public treasury. He bestowed upon them ready-made robes of honor and sixteen double pieces of cloth. The two were carried upon saddled mules, similar ones being led before them.

The cadi was severe in his judgment; his authority was great, and he exercised authority over all the people of the kingdom. He gave orders that those notaries who should absent themselves in the morning up to the time of the majlis on Mondays and Thursdays should be mulcted in a heavy fine. His delegate at court, Mālik ibn Sa'īd, asked him to appoint al-Khalīl ibn al-Khalīl in his place, as something had happened to him preventing him from riding or from going to court. This request he granted; though this had not been permitted to any other, that a delegate should name his own substitute in the city.

Al-Musabbiḥī relates in his history—when detailing the events of the year 397 [A.H.]—the following circumstances, the gist of which is: 'Alī ibn Sulaimān al-Munajjim,² one of the intimates of the commander-in-chief al-Ḥasan [p. 261, 1] ibn Jauhar, told him that the cadi was visiting al-Ḥusain ibn Jauhar the kā'id in his dwelling upon one of the Christian's fast days. He found there Abū al-Ḥasan al-Rasī,³ al-Munajjim and their

¹ The reading in the text is difficult. In lieu of it, I would suggest
وكان عندة شدة بأس وعجرفة.

² Or "the astrologer."

³ The reading of the name is not clear in the Mss.; but see al-Dhahabī, *al-Tanbih*, p. 246; Kosegarten, *Chrestomathie*, p. 121.

attendants. A servant came in to say that Abū Ya'kūb al-Kiṣṭās, the physician, was at the door. He was invited to come in, the company being at table. They made him welcome and a number of dishes were placed before him. Then the table was cleared and drinks were brought, also the fruits and scents belonging thereto. They fell to until they became drunk. The *cadi* then went away; while the *kā'id* and al-Rasī fell asleep. Abū Ya'kūb, the physician, remained in a portico which he had built in this place—the portico overlooked a large stretch of water¹—drinking and enjoying himself until he was overcome by drunkenness. They then went out looking for his mule. The mule of al-Rasī was brought, but he refused to mount it. The servants begged him to return to his place until his own mule should be brought. So he went back to where al-Rasī was, and slept at his side. Then one of the lackeys came and lifted the curtain, looking for the two. He saw al-Rasī but did not see Abū Ya'kūb; so he entered and searched for him; and [in the end] caught sight of the tail of his garment in the water. He called a lackey who knew how to swim; this one jumped into the water, and found Abū Ya'kūb with his garments rolled around his face and sunk in the water. The servants sent word to the *kā'id*, summoned the *cadi*, and waked up al-Rasī. [p. 262, 1] The [whole] matter was most disagreeable to them, as they knew the consideration al-Ḥākim had for al-Ya'kūb. They begged me to inform al-Ḥākim of what had happened. I went to him and told him that Abū Ya'kūb had gotten up during the night while in a stupor, and had jumped into the river; and that when the lackey got to him he found him caught in his clothing and drowned. This grieved al-Ḥākim, who appeared to be very much affected. He had the matter looked into. The exact circumstances were related to him, but he shook his head.

The *cadi*, al-Rasī and the *kā'id*, however, had come to the castle on foot with fine turbans on their heads. Al-Ḥākim summoned them [to his presence]. They swore and affirmed upon oath that they had had nothing to do with the whole affair. The *kā'id* and the *cadi* called al-Rasī to witness, and he testified to their innocence. Orders were then given that the body should

¹ The description confirms Dozy's suggestion (ii. 41) that the *طامة* was a "portique ouvert."

be prepared and buried. This occurred towards the end of the year 397 [A.H.].

On Thursday, the middle of Rajab 398, the report was spread abroad that ‘Abd al-‘Azīz, the cadi, had been deposed and that his successor, Mālik ibn Sa‘īd, had been confirmed. When the morning came, he did not go to the court until near mid-day. Then he did go; held court, led the mid-day prayers and went off all alone, without chamberlain or footman, until he came to his dwelling place. As the day commenced to decline, certain people went around to all the chief men telling them to collect in the castle on the morrow. [p. 263, 1] So they all assembled before Mālik ibn Sa‘īd, who was invested with the various functions with which ‘Abd al-‘Azīz had been invested—whose term of office had [thus] lasted three years, nine months and twenty-eight days.

Al-Musabbihī says: ‘Abd al-‘Azīz dismissed from office thirteen persons while he sat as appeal judge, and two during his cadiship. After his deposition, ‘Abd al-‘Azīz was in the habit of going to the castle alone, though constantly expecting to be killed. On the 13th of the second Jumāda, 399 [A.H.], the k̄ā'id Ḥusain ibn Jauhar and the cadi went out riding according to their custom, and they came back without any incident having occurred.¹ Then [al-Ḥākim] sent for them; and ‘Abd al-‘Azīz going first, was clapped into prison. His servant returned home [alone] with his mule; whereupon the k̄ā'id and his son hid themselves. But the door of their house was broken in and al-Ḥākim gave stringent orders that they should be brought. This being found impossible, al-Ḥākim gave word that ‘Abd al-‘Azīz should be released, who returned to his dwelling place. The people were already making preparations for his funeral, but he quieted them. The shop-keepers had also closed their booths; these he ordered to be opened again. After three days, the k̄ā'id went to al-Ḥākim unmolested. Splendid robes were presented to him and to ‘Abd al-‘Azīz; before them many garments being carried. They were led [in state] upon two horses, many horsemen preceding them. Then al-Ḥākim gave back to ‘Abd al-‘Azīz the hearing of appeal cases. His certificate was read out; he was clothed with

¹ فسلما; or “having greeted” [al-Ḥākim.]

ready-made garments [p. 264, 1] and with the ṭailasān. He was led riding upon a mule; before him was another and in front of him was carried a chest full of garments. He was [thus] confirmed¹ on Ṣafar 9th, 400 [A.H.] The revenues of a fief were given to him, and upon the door of his dwelling-place a plaque was put with the name of the dīwān. On the last days of Ramaḍān the cadi's sons married the daughters of the kā'id to whom they had been betrothed.

In the latter part of Muḥarram 401 [A.H.] the cadi and the kā'id became suspicious of perfidy on the part of al-Ḥākīm towards them; and on Ṣafar the 9th the cadi, the commander-in-chief Ḥusain, their followers and their friends took to flight, carrying with them much of their wealth, and went in the direction of Dujwa.² When al-Ḥākīm heard of this, he put seals on their dwellings and ordered Mālīk ibn Sa'īd al-Fāriḳī to ride to the dwellings of the cadi and of al-Ḥusain; to seize whatever he might find there and to carry it off. The cadi and the kā'id kept in hiding until Muḥarram the 6th, 401 [A.H.] when they appeared, a safe-conduct having been written for them. They remained at their posts until Friday, the 12th of Jumāda, on which day they were present at their posts and then returned. At once al-Ḥākīm sent to them and they came back; whereupon a band of Turks killed both in the vestibule. The seal was at once put [p. 265, 1] on their dwellings, their houses were immediately surrounded, and they passed away unavenged. Many of their followers were seized and fined.

'Abd al-'Azīz was learned in the canon-law of the Imāmī rite, as his whole family had been, especially his grandfather. The Sheikh 'Imād al-Dīn ibn al-Kathīr³ attributed to him the authorship of a work entitled *Al-Balāgh al-Akbar wal-Nāmūs al-A'zam* dealing with the principles of religion. But in this he was mistaken; for it was a work composed by his father giv-

¹ Reading *استقر*.

² Dujwa or Dijwa, six parasangs from Fustāt, Yāḳūt, ii, 555, in the Sharkīyya province. This can hardly be the present *دجوى*, marked in the Egyptian Postal Guide (*Maṣlaḥat al-Buṣṭa*, Cairo 1906, p. 268) as being in the Ḳalyūbiyya province.

³ Born 1301, died 1373. The reference may be to his large historical work, *Al-Bidāya wal-Nihāya*, Brockelmann, ii, 49.

ing the ideas of al-Nu'mān, that one's father. Ibn Kathīr says that the cadi Abū Bakr al-Bākilānī¹ wrote a refutation of this work. Ibn Kathīr adds "It contains heterodox ideas, the like of which Iblīs himself would not have conceived." Such were his words.

Ḳāsim ibn Abd al-'Azīz ibn Muḥammad ibn al-Nu'mān al-Maghribī belonging to the Imāmī sect, of the fifth century. He was called Abū Muḥammad, and was put in office after Ibn Abī al-'Awwām² on Sunday, the 4th of the first Jumāda, in the year 418.³ His diploma was published in the *ḳaṣr* and in the *jāmi'* of Fustāt. He received the title *Ḳāḍī al-Ḳudāt*, *Thiḳat al-Daula*, *Amīn al-A'imma*, *Sharaf al-Aḥkām*, *Jalāl al-Islām*.⁴ He exercised his functions until he was deposed on Sunday the 25th of Rajab in the year 419, he having lasted for one year, two months and some days. This was his first tenure of office. In his place was appointed 'Abd al-Ḥākim ibn Sa'īd ibn Mālik al-Fārikī. On the 6th of Dhul-ḳa'da, in the year 427, Ḳāsim was re-appointed to office, presided over civil [p. 266, 1] and criminal cases, and (also) over the preaching. In this period of office al-Ḳudā'i was appointed and became his locum tenens in this, his second period. Ḳāsim was not praised for his conduct, although his term of office lasted for a long time, until he

¹ Abū Bakr Muḥammad ibn al-Tayyib ibn Muḥammad ibn Ja'far ibn al-Ḳāsim al-Bākilānī, died 1013. See Ibn Khallikān, tr. de Slane, ii. 671. Perhaps the work referred to is his *Kashf Asrār al-Bāṭiniyya* mentioned by Ḥājī Khalifa, v, 199.

² I. e., Abū al-'Abbās Aḥmad ibn Muḥammad ibn 'Abd Allāh ibn Abī 'Awwām.

³ Al-Musabbiḥī, in treating of the year 415, mentions the fact that al-Tāhir had al-Ḳāsim ascend the minbar with him. He is here called only "Chief Preacher." Becker, *Beiträge*, i, 72, 4.

⁴ The synagogue document above referred to (of the year 429 A.H.) gives his title as follows: مولانا قاضى القضاة وداعى الدعاة امين

الائمة شرف الاحكام جلال الاسلام ذو الجلالتين والرياستين
ابن عبد العزيز ابو محمد ابن النعمان. Al-Siyūṭī (vol. ii, p. 102)
ولقب بقاضى القضاة وداعى الدعاة وثقة الدولة :
وامير الامراء وشرف الاحكام

was deposed in al-Muḥarram 441; this second term having endured thirteen years, one month and four days.¹ The verses in which both he and Ibn ‘Abd al-Ḥākim al-Fāriḳī were ridiculed have already been cited.²

Abū al-Kāsim ibn Muḥammad ibn al-Nu‘mān is the same as Ibn ‘Abd al-‘Azīz previously mentioned.

AN ADDITIONAL NOTE AND SOME CORRECTIONS.

P. 224. I am not quite correct in saying that the history of the Egyptian cadis was first written by al-Kindī. Professor Torrey calls my attention to the fact that this was done before him by Abū al-Kāsim ‘Abd al-Raḥmān ibn ‘Abd al-Ḥakam (died 257 A.H.). This was not apparent from any of the reference books; but see now Torrey, “The Muhammedan Conquest of Egypt and North Africa,” in *Biblical and Semitic Studies* (Yale Bicentennial Publications), N. Y. 1901, p. 279: “Appended to the history proper is a collection of brief biographies of the *qādīs* of Egypt, from the Conquest down nearly to the author’s own time.” It forms the sixth of the seven parts of the *Futūḥ Miṣr*. As it stops at the year 246 A.H., it is evident that al-Kindī has based his treatise upon these notes of Ibn ‘Abd al-Ḥakam. I purpose to edit al-Kindī’s account of the cadis.

P. 229, note 4 read Ravaisse.

P. 239, 13 read الشرطة .

P. 240, 1 read ابا .

P. 242, 1 read فتنبج .

P. 242, 4 read وسكت .

P. 243, 11 read القضاة .

P. 245, 2 read قاضي .

P. 245, 3 read ثقاته .

P. 245, 9 read زوجها ,

P. 248, 9 read جبارا .

P. 248, 13 read بر جوان .

P. 250, 8 read واستخلفه .

P. 251, 4 read وقبلهم .

P. 254, 5, 10 read يستجل .

P. 254, 10 read قراءة .

P. 256, 16 read النظر .

¹ Al-Makrizī (*al-Khīṭaṭ*, vol. i, p. 355) says that he held office for fourteen years; but this is probably not meant to be absolutely exact.

² In some other biography of this same work.